

trained teacher in every classroom at the expiration of the authorization bill. I will come back to that, how we are going to do it, and the importance of it for strengthening the quality of education and what the results are if you do have an excellent teacher, and what the academic results are, from various examinations of whether having a well-trained teacher, who is competent and knowledgeable about the content of the subject matter, and a good teacher. The difference that makes to children's ability to learn is intuitively obvious. Nonetheless, we will have an opportunity to present some very important and powerful evidence about why the way we have approached this will result in more favorable results.

Secondly, we have the whole issue about assisting many of the schools in this country that are older and are in great need of repair and modernization. We want an opportunity to make a presentation to make. The Senator from Iowa, Mr. HARKIN, has a powerful presentation to make. We need over \$112 billion a year to bring our schools up to standard. There is much work that needs to be done, again, through a partnership among the Federal Government, States, and local communities.

We want to address the important issue of afterschool programs. Senator DODD, Senator BOXER, and others have been involved in the development of that program. We have important results as to how that program is working and has worked in advancing the cause of teachers.

We want to have a good debate on accountability. We believe the most knowledgeable member is on our side, Senator BINGAMAN of New Mexico, who has, going back to the time of the Governors' conference a number of years ago, made that a speciality of his. Most of the pieces of legislation that are before us reflect a good deal of what he has developed and has broad support. That has been very important.

Senator MIKULSKI has reminded us a number of times about the importance of addressing the digital divide. In a time of new technology, it is important we not look back 10 years from now and find that the new technology has been used in such a way it further divides our children who are attending schools, but instead that we have been creative enough to use technologies in ways that have reduced the divide that exists in our schools rather than exacerbate it. That is very important. Senator MIKULSKI wants an opportunity to talk about this issue.

Senator REED has made a very important contribution to our legislation. He was a member of the Education Committee in the House of Representatives prior to coming to the Senate, following Senator Pell. He wants to talk about the importance of the involvement of parents in decisionmaking in the local communities. That is very important.

Senator WELLSTONE will be bringing up the issue of fair testing of children. He has spoken about that issue a number of times. We have voted on some aspects of it in the past.

Those are the principal education issues. There are some on our side who feel safety and security in our schools is an important issue, and we will be addressing that issue.

We have a limited number of amendments. In my conversations with most of our colleagues, we are prepared to enter into very reasonable time limits. I know on six or eight of those subject matters, we are prepared to enter into time agreements of an hour or so evenly divided so we can move this process forward. These are not subjects the Senate has not addressed. We have addressed these issues in the full committee in our markups. We have spoken about these issues during the debate. I intend to speak on the issue of the quality of our teachers because that is relevant to the Gregg amendment.

I have talked with our leader, Senator DASCHLE, who will be talking with the majority leader and hopefully will work out a program so we can reach a determination on these issues in the next few days. There is no reason why we should not do that.

There are amendments on the other side as well. We have had an opportunity to look at some of those. There is no reason we cannot pick up the pace and resolve some of these issues in a timely way. We had hoped to do more of these amendments at the end of last week, and we are in the situation today, with the funeral of His Eminence Cardinal O'Connor, of being unable to reach a conclusion on some of these debates this afternoon.

Hopefully, we can, by the end of the day, give an indication of how the Senate wants to proceed. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Massachusetts for fulfilling the commitment he made during a discussion we had on Thursday night. I advise the Senator in Massachusetts that five of the seven amendments he talked about did arrive at our office Friday. I thank him and his staff for that. We are going to try to accommodate him this afternoon in return.

At the moment, by previous agreement, we were prepared to move to an amendment by Senator GREGG of New Hampshire. His arrival has been delayed somewhat—I do not think very long. I had a chance to talk with the chairman, and I thought we might accommodate Senator INHOFE, if the Senator from Massachusetts concurs, for some 5 to 10 minutes on an unrelated matter while we are locating Senator GREGG.

I ask unanimous consent that Senator INHOFE of Oklahoma be given up to 10 minutes to conduct his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I thank both managers of the bill for giving me some time.

UPDATE ON LINDA TRIPP FILE CASE

Mr. INHOFE. Madam President, I want to update my colleagues and the American people on the latest developments in the Linda Tripp file case. As my colleagues will recall, this is a matter concerning how information from the confidential personnel file of a Pentagon civil servant was leaked to the media in March of 1998, more than 2 years ago, by the Pentagon spokesman Kenneth Bacon and a colleague in violation of the Privacy Act.

As my questions at an Armed Services Committee hearing revealed for the first time on April 6, the Pentagon's Office of Inspector General essentially completed its investigation of this matter within 4 months of the incident. In July of 1998, it referred its report to the Justice Department, having found sufficient evidence that a crime had been committed.

From July 1998 until March of 2000, the Justice Department sat on the report, taking no action, making us believe the IG report was not completed and not given to them—essentially engaging in a coverup, in its typical stonewalling, delaying tactics. Then finally, on March 28, 2000, they quietly returned the report to the Pentagon, informing them it would not criminally prosecute anyone in the case.

I reported all of this to the Senate in a floor statement I made on April 11. At that time, I pointed out that the offense in this case—disseminating to the media information from a Government employee's confidential personnel file—was the same offense Chuck Colson pleaded guilty to during Watergate. It was the same offense for which Colson served in the Federal penitentiary.

Since all of this was revealed last month, three principal defenses—I would call them excuses—have emerged as to why Mr. Bacon should not be prosecuted. These have been put forth to the media by Mr. Bacon's lawyer and by the Justice Department in its decision to take a pass on prosecution. Let me state these three defenses and what they are:

No. 1, defense by Kenneth Bacon is that Bacon only leaked a part of a confidential file, not the whole file;

No. 2, that the Freedom of Information Act "trumps" the Privacy Act; and

No. 3, that Bacon "didn't intend to break the law."

Today, I want to report to the Senate that all of these arguments have been refuted and exposed as having no merit in this case. This leaves us facing the stark truth: The law was violated, and those who violated it should be prosecuted.

In testimony on April 26 before the Senate Armed Services Subcommittee on Readiness, which is the Committee I chair, I asked Pentagon Deputy Inspector General Donald Mancuso about these issues. He confirmed these points:

No. 1, that criminal violations of the Privacy Act are not contingent on whether a whole file or just a part of a file is compromised.

Common sense would lead us to this conclusion anyway, but this was confirmed by the inspector general in our committee meeting.

Either one constitutes a violation. There is no distinction between leaking part of a file or leaking the entire file.

Secondly, that there was no formal written Freedom of Information Act request made prior to the Tripp file leak; that, in any event, the Freedom of Information Act does not trump the Privacy Act; and that, indeed, the Freedom of Information Act includes specific exemptions directly related to the Privacy Act.

So we are saying two things really. We are saying, first of all, when they said they used the Freedom of Information Act request as an excuse, they were lying, because there was no request under the Freedom of Information Act. Secondly, if that had happened, there is specific exemptions within our law to the Freedom of Information Act, one of which is the Privacy Act.

Finally, in its March 2000 decision not to prosecute, the Justice Department stated that Bacon and his colleague "didn't intend to break the law when they released information from Linda Tripp's personnel file."

What this tells me is that the Justice Department knows the law was broken. It is all the more reason why their decision not to prosecute is so outrageous. The next time I am stopped by a policeman for speeding, I am going to tell him, "I didn't intend to break the law." I suppose then everything will be all right.

Recently, I received a letter from Mr. Bacon's lawyer taking exception to a couple of points I made in my previous remarks on the floor. I would like to respond to each of those points here:

First, Bacon's lawyer claims that comparing Kenneth Bacon's offense to Chuck Colson's offense in Watergate is "inaccurate" and "unfair" because the two cases, he says, are not "remotely comparable."

But he is wrong. They are directly comparable.

He goes into a lengthy description of the charges against Colson which were dropped by the court. All of this is interesting, but it is irrelevant to the current case.

Colson released information from Daniel Elsborg's confidential file, violating Elsborg's privacy.

Bacon released information from Linda Tripp's confidential file, violating Tripp's privacy.

What could be more "comparable" than this?

Second, Mr. Bacon's lawyer notes that the court said Colson implemented "a scheme to defame and destroy the public image of Daniel Elsborg, with the intent to influence, obstruct, and impede the conduct and

outcome" of pending investigations and prosecutions.

Similarly, Bacon's action can easily be seen as part of "a scheme to defame and destroy the public image of Linda Tripp, with the intent to influence, obstruct, and impede the conduct and outcome" of pending investigations and possible prosecutions of the President and of Linda Tripp herself.

Let's not forget that Linda Tripp has testified that she was told by a top White House aide that she would be "destroyed" if she came forward and exposed illegal activities she witnessed in the Clinton White House, including matters related to the Filegate scandal. Tripp's FBI file was one of over 900 FBI files improperly obtained by the Clinton White House. Tripp remains a material witness in continuing legal proceedings on the Filegate matter.

In addition, let's not forget that Tripp has also been the target of a politically motivated prosecution in Maryland concerning the taping of Monica Lewinski's phone calls.

All of this provides ample evidence of possible motivations "to defame or destroy" her "public image."

Third, Mr. Bacon's lawyer claims that Bacon did not violate any law in releasing the information on Tripp.

Again, he is simply wrong. Bacon clearly violated the Privacy Act, the law which was enacted in 1974 as a direct result of the Colson case. It isn't even a close call.

The contention that the media inquiry constituted a FOIA request that somehow superseded the Privacy Act will simply not stand up to scrutiny.

Finally, Mr. Bacon's lawyer makes a legitimate point with which I am prepared to agree; and that is, that Mr. Bacon is a dedicated public official who has served the Department of Defense with distinction for 6 years.

Similarly, Linda Tripp is a dedicated public official who has served in the Pentagon and the White House with distinction for many years.

The problem is that there must be equal application of the law if the law is to have any meaning.

Mr. Bacon simply cannot be permitted to escape responsibility for an act that so clearly violated the law—a law which is designed to protect the rights of all government employees.

The news media, I think, has created a particular problem in this case. It is a travesty that the major news media have not covered this story and informed the American people about why this is important.

What a contrast with how the news media acted during the Watergate era. At that time, the news media led the charge to uncover wrongdoing by high government officials, explaining why adherence to the rule of law was so vital to the protection of liberty.

In the aftermath of Chuck Colson's pleading guilty in June 1974, along with other Watergate figures, newspapers across the country expressed appropriate outrage. They covered the story.

They commented on it forcefully. They didn't sweep it under the rug. They did not say they were bored. They did not argue that the country should "move on" to other things.

They knew that lawbreaking by high officials was one of the most important things they could report to the American people, because, as they kept telling us, an informed public is essential to the protection of liberty in a democracy.

Here are a few examples of editorials during the Watergate years. Where are the similar editorials today?

On June 12, 1974, the Philadelphia Evening Bulletin was upset that another Watergate figure got off too lightly with a 30-day suspended sentence for his Watergate crime. They said.

The circumstances (in this case) did not call for a tap on the wrist. [The judge's] praise for (the defendant's) integrity in this setting seems inappropriate. If [the defendant] is to be so excused for failing to do his duty . . . then how are others to be held accountable for placing personal loyalty above their duty and the requirements of the law?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. INHOFE. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Then, speaking of Chuck Colson, on June 4, 1974, the Dayton (Ohio) Daily News wrote:

In this tawdry matter, Mr. Nixon's White House again has been exposed—this time by an aide who was high in its deliberations and was an intimate of the President's—as acting against the political and judicial process of this country as if they were enemies.

Finally, in commenting on Chuck Colson, in the home state of the Presiding Officer, the Portland (Maine) Evening Express wrote on June 30, 1974:

Yet another close aide or high appointee of President Nixon has been brought to justice . . . He had attempted to defame Elsborg and destroy his credibility . . . Daily, it becomes abundantly clearer that [the Nixon Administration is] the most morally reprehensible administration in the history of the nation.

So who is at fault? Of course, Ken Bacon is at fault for violating the law. But I suppose it is human nature to cover up to save oneself. Who is really at fault is the press—the media—who are covering up this crime. No one can look at the way the press assailed Chuck Colson for his crime and now covers up the crime of Ken Bacon without asking, "Why? Why are they so defensive of Ken Bacon when they so aggressively went after Chuck Colson?" Unequal application of the law is no worse then inequality in reporting. The consequences of both serve to diminish our liberty.

Unfortunately, Ken Bacon, who should have been prosecuted, is now in the hands of Secretary of Defense William Cohen. Cohen is charged with reviewing the IG report and issuing any administrative discipline, short of criminal punishment. I urge him to act swiftly and in accord with the seriousness of this matter.

Federal employees throughout government are watching this case. What will it say to them if someone who has so clearly violated the Privacy Act is not held accountable?

It will say that no one's privacy can ultimately be protected, that the law is largely meaningless, and that ideal of public service in support of the Constitution and the laws is forever diminished.

Madam President, I am not trying to single out Kenneth Bacon. I don't even know him. But I do know Chuck Colson, and he admits he was properly prosecuted, and Kenneth Bacon has committed the same crime and gets off free. This is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AMENDMENT NO. 3126

(Purpose: To improve the provisions relating to teachers)

Mr. COVERDELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. LOTT and Mr. GREGG, proposes an amendment numbered 3126.

Mr. COVERDELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COVERDELL. Madam President, I rise to speak on behalf of this amendment and, in particular, a core provision of it, which is teacher liability.

As schools have become more violent, it is increasingly necessary for teachers to use reasonable means to maintain order and discipline in their classrooms. In order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove disruptive students for fear of becoming the subject of frivolous lawsuits.

I forget the exact timing of this, but sometime within the last 2 years, the Senate and House passed the Volunteer Liability Protection Act. I want to use that as a backdrop in preparation for what the provisions of this amendment do.

At a time when the Nation was calling on more and more people to step forward and be charitable and be volunteers, we had a huge summit. The President and all the former Presidents were there, as was Gen. Colin Powell. They outlined a call to the Nation to step forward and volunteer. Several days after that summit, I, along with several others, introduced this Volunteer Liability Protection Act.

It was based on this premise that voluntarism in the country was declining, even though voluntarism is like a national monument in the United States,

but it was declining. And when you looked into why—or among the reasons why—it was the fact that volunteers, such as sports figures, role models who were consistently asked to step forward and volunteer, and major figures in the community, people of substance, or a family who sold a business and, in effect, retired and had the time and the resources to step forward and help the local YMCA or a charitable group, were targeted for frivolous lawsuits. I will give an example of one and then I will get back to the teacher side of it.

Picture a YMCA gym. This woman, in particular, who I talked about over and over throughout that debate, was a volunteer receptionist; she was answering the phone. She had nothing to do with the actual rigors of what was going on in the gym. Well, a young man broke either an arm or a leg in some activity in the gym. So you would have thought, well, if there were grounds for a lawsuit—and it wasn't just an accident and it involved no willful neglect—you would go after whoever was supervising the young man. I think that sounds reasonable to most Americans. But, no, the person who was sued was the woman answering the phone because they knew she had assets. Needless to say, people such as that didn't want to volunteer anymore. It is kind of hard to be a phone receptionist for the YMCA and put your whole family on the line, where you might be subject to a lawsuit and you might inadvertently lose it, and everything the family had worked for could be gone.

So we introduced the Volunteer Liability Protection Act. After a rigorous debate, it passed here, it passed the House, and the President signed it. It has been welcomed throughout the entire country as a relief that allows Americans, whether athletes or people who have assets, or somebody else, to step forward and be a volunteer.

It is directly analogous to the situation that we have in schools. Again, I say in order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove a disruptive student for fear of being subject to a frivolous lawsuit. You can picture it. There is a scuffle going on in the hallway. A teacher has to make a decision. I remember that in the near disaster in Rockdale County, after Columbine, a young man entered the school. He had a weapon and he threatened several students with it, and he fired several shots. No one, gratefully, was either killed or permanently wounded. But the assistant principal appeared and moved directly to the student who had the firearm and pointed the firearm at him. Courageously—in my judgment, he had unbelievable courage—he walked up, calmed the student and took the weapon and held the student, who had become very emotional, until law enforcement officers could arrive.

That is an exaggerated incident, but we all know that scuffles such as this

occur between students, or a verbal attack might occur in a classroom. A teacher can't be sitting there computing whether or not she or her family is at risk if she does her job. As the Volunteer Protection Act, this legislation does not allow for any willful misconduct. If this teacher were involved in willful misconduct, aggravated conduct, she would be subject to a lawsuit. But what it would end is just picking her out and harassing her or him into a settlement.

Listen to these statistics. The percentage of public school teachers in the United States who say they have been verbally abused is 51 percent. Fifty-one percent of all of our teachers threatened with injury, which is perhaps an even more significant percentage, is down. But 16 percent have been threatened they would be harmed; physically attacked, just under 1 in 10. It is 7 percent.

In 1992, 33 percent of 12th grade public school students felt disruptions by other students interfered with their learning. In other words, a third of the school population is talking about the disruption another student is conducting that interrupts the schoolday sufficiently to interfere with that student's learning.

In my State of Georgia, in 1997, there were 38,000 violent incidents and 2,600 weapons violations.

My colleague from Massachusetts cited a survey of teachers which found that 43 percent of high school teachers felt their personal safety was in jeopardy in a 2-year period. A seventh grade student at Lincoln Academy in New York was arrested on June 2, 1999, for setting a fire to his teacher's hair.

Two Irving Middle School seventh graders in Lorain, OH, were charged in January of 1999 of plotting to kill their teacher with a 12-inch fillet knife. As 15 students placed bets on the girl's plot, another teacher found out and intervened—in moments. She overrode this situation before the stabbing occurred.

In Columbus, GA, my home State, seven students were sent to summer community service after planning to poison a teacher's iced tea and trip her on the stairs because the students thought she was too strict.

Recently, I met with a large number of school superintendents. They talked about the multitude of issues that are affecting them and their ability to do the job. But when you mention teacher liability, the threat to them of a lawsuit—whether it is the principal, the administrator, or teacher—is very high on their agenda; that we are creating an environment where prudent decisions might be missed. A circumstance where a teacher's intervention would be useful doesn't occur because the teacher is intimidated by the threat of being sued for having made that decision.

Again, I reiterate that in the Volunteer Liability Protection Act, this language does not excuse any willful conduct or any aggravated conduct. The

person is still liable for that kind of behavior. It is the frivolous activity that would apply, just as in the Volunteer Liability Protection Act.

I am going to describe for a minute or two the language of this section. The teacher liability protection provisions provide limited civil litigation immunity for teachers, principals, and other educational professionals who engage in reasonable—I repeat “reasonable”—actions to maintain order, discipline, and a positive educational environment in America’s schools and classrooms. It protects teachers from lawsuits when using reasonable means to maintain order, control, or discipline in the school or classroom.

What does “reasonable” mean? It does not include wanton and willful misconduct. It does not mean a criminal act. It does not mean the violation of State law. It does not mean the violation of Federal civil rights laws. And it does not mean inappropriate use of drugs or alcohol on the teacher’s behalf. As I said a little earlier, it is modeled on the Volunteer Protection Act of 1997 and various State laws that seek to provide teachers limited civil liability immunity, including my own State of Georgia.

It is narrowly crafted to protect teachers from lawsuits when they are attempting to maintain order, control, or discipline in the school and classroom. It protects teachers from frivolous lawsuits.

I always use the word “teachers.” But I think I should reiterate that it is teachers, principals, and administrators in the system. It is not only teachers, such as the person I just talked about who interceded to try to contain a student who brought loaded weapons to the school and threatened not only other students of being shot but his own life and the life of the assistant principal. All had been threatened. There is no telling what the outcome might have been without the courage of this administrator to intercede.

It protects teachers from frivolous lawsuits when they remove a disruptive or belligerent and possibly dangerous child from the classroom. That ought to be expanded. It is not necessarily from the classroom but from an environment on the school property that is potentially dangerous; a fight in the cafeteria. What do you do? Do you just sit there and watch the fight because you are saying to yourself, if I go over there and interrupt, the parents of one, or two, or three of those children are going to sue us. In this case, that would be considered frivolous. It would be the person doing their job. On the other hand, if the teacher was involved with starting or aggravating a fight, it would be wanton behavior, and that teacher or that administrator would be liable because they did something wrong; something outside the parameter of their job.

It would allow principals and administrators to take charge of circumstances in the school and the class-

room. It would prevent the overactive trial lawyer community—and I believe by anybody’s standard this is one of the great issues of our time with enormous utilization. We have become a society that is ready to sue—your neighbor or the guy who is packing your food at the grocery store. We are just suing everybody. Some of it is very appropriate, but a lot of it is not. It probably has to be dealt with in a lot more places than volunteers in the schoolroom.

But it certainly needed to happen. It has to protect volunteers, and it certainly needs to happen on these school properties. It does not, I repeat, override any State law that provides teachers with greater immunity—as I said, some do, including Georgia—of liability protections.

This is important: States can affirmatively opt out of Federal coverage by passing State legislation. They have their own view of it. If they want to expand it, they can. But they can opt out.

The provision does not address the rights of individual States to prohibit or allow use of corporal punishment by teachers and administrators to discipline unruly and possibly dangerous students.

Recently, parents brought a suit against a history teacher at a high school for damages the parents claim their son suffered when the teacher removed him from the classroom after the student refused to go to the vice principal’s office.

We have a classroom. We have an unruly student. In this case, the teacher steps forward and says, You need to go to the vice principal’s office. The student refuses to do so. The teacher removes that student from the classroom—this is not an appropriate interaction going on in the classroom—and gets sued for doing that.

That is an individual doing their job.

Matt Grimes, a student, went to a teacher’s tutorial class. The gentleman’s name was Mr. Stringer. Mr. Stringer told him to go to the tutorial he was scheduled to attend. In other words, the student was in the wrong place and needed to be somewhere else. Matt said his teacher would not let him into that class because he was late. That teacher did, indeed, refuse Matt’s admittance because of a late arrival. Something was said to the teacher that was disrespectful, and the teacher pointed or touched his chest with his index finger. In other words, he touched him and was sued. The teacher ended up being sued as a result of that incident.

Madam President, I ask unanimous consent that a full article be printed into the RECORD from the Wall Street Journal on Tuesday, May 4, 1999, by Kay Hymowitz.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 4, 1999.]

HOW THE COURTS UNDERMINED SCHOOL DISCIPLINE

(By Kay S. Hymowitz)

In the wake of the Littleton school shootings, we’ve heard a lot about educators’ need to pay attention to the “warning signs” of potentially violent youngsters. In this case such signs were plain to see: Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting their murderous fantasies. But the legal culture produced by a pair of Supreme Court rulings makes it difficult for educators to do anything when confronted with such warning signs—or indeed even to enforce the ordinary discipline that our kids need in order to be molded into citizens.

In *Tinker v. Des Moines School District* (1969), the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam War. *Tinker* protected young people who expressed opinions at odds with the government and reduced the possibility that educators could simply indoctrinate children with their own beliefs. “It can hardly be argued,” wrote Justice Abe Fortas, “that either students or teachers shed their constitutional rights . . . at the schoolhouse gate. . . . Students in school as well as out of school are ‘persons’ under our Constitution.”

Six years later, in *Goss v. Lopez*, the court granted students the right to due process when threatened with a suspension of more than 10 days. Careful to insist that schools need only provide informal hearings, not elaborate judicial procedures, the justices believed that they could help guard against feared abuses of power without seriously disrupting principals’ authority.

On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, “The World We Created at Hamilton High.” “Assemblies often degenerated into catcalls and semioctave behavior while teachers watched silently,” Mr. Grant writes. “Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor.”

Cheating was widespread, but “few adults seemed to care.” No wonder. Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the “other side of the story.” One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harassed by daily phone calls from the student’s parents and the lawyer they had hired on their son’s behalf. Another teacher was asked why she didn’t report several students who were making sexually degrading remarks about her in the hallway. “Well, it wouldn’t have done any good,” she shrugged. “I didn’t have any witnesses.” The phrase “You can’t suspend me” became the taunt of many a disruptive student.

Surely the justices who decided *Tinker* and *Goss* did not anticipate this. Indeed, subsequent decisions have made clear that students don’t enjoy the same legal rights as adults. In *Bethel School District v. Fraser* (1986), the Supreme Court ruled in favor of a principal who suspended a student for making an obscene speech, and in *Hazelwood v. Kuhlmeier* (1988), it allowed principals to censor high-school newspapers. And lower courts often decide in favor of school administrators who take a strong stand against provocative student speech and behavior.

But the mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably wary of students backed by litigious parents, not to mention numerous

rights manuals with titles like "Up Against the Law," "A High School Student's Bill of Rights", and "Ask Sybil Liberty." These guidebooks enumerate for already-disaffected kids all the impermissible things teachers are going to try to make them do. You don't have to answer a school official if he questions you; a teacher can't make you do anything that violates your conscience; if you don't like the way the school makes you dress, you can go to court; you can demand to see your school records.

In his dissent in *Tinker*, Justice Hugo Black, one of the court's strongest defenders of the First Amendment, wrote that the decision "subject all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students." Justice Black was right. A few years ago a Colorado high school principal took no action as one of his students strutted into school wearing Ku Klux Klan insignia. That is, until a black student punched the would-be Klansman. Only then, when the Klansman's "speech" could be construed as an incitement to violence, did the principal forbid it.

In another case, a high-school senior in New York state distributed articles urging students to urinate in hallways, scrawl graffiti on the walls and riot when the police arrived. In 1997 the school district suspended the boy, but only after the case had dragged on for two years, including an appeal to the state's highest court. Last year a 14-year-old eighth-grader in Half Moon Bay, Calif., wrote a pair of English compositions, one about torching the school library and beating up the principal and another, charmingly entitled "Goin' Postal," about pumping seven bullets into the principal. When the boy was suspended for five days, his parents sued the school district. The district and the parents reached a settlement under which the suspension was reduced to two days and the grounds were changed from "terroristic threats" to "habitual use of profanity in school assignments."

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr. Grant found that as administrators and teachers became fearful of restless, back-talking adolescents, they resorted to keeping classes amiable and nonthreatening—in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework or administering rigorous tests. This same dynamic is at work in the many schools today where students choose their courses from a number of faddish, "creative" options. After all, "Music as Expression" is much less likely to make a kid testy than "19th-Century American History."

Thus instead of enriching children's minds and challenging their media-fed fantasies, adults stand by and condone the worst forms of adolescent acting-out, sometimes with deadly results. Kip Kinkel, a 15-year-old Springfield, Ore., boy, reported in science class on how to build a bomb and read in literature class from his journal about his dreams of murder. Last May the teenager allegedly shot and killed his parents, then went to school, where he allegedly murdered two classmates and injured two dozen more; he is now on trial. The adults' response to his classroom rantings? "He was a typical 15-year-old," the Springfield superintendent of schools said. Other school officials said classroom talk of murder and violence is nothing unusual.

The Supreme Court undoubtedly thought that *Tinker* and *Goss* would free students from oppressive adult power. Yet today, 30 years later, resentful students must march through metal detectors, get sniffed for guns

by trained dogs, watch police and security guards patrolling the hallways—and fear for their lives.

Mr. COVERDELL. It says:

In the wake of the Littleton school shootings, we've heard a lot about educators' need to pay attention to the "warning signs" of potentially violent youngsters. In this case such signs were plain to see. Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting murderous fantasies.

I make a point about the legal culture. A pair of Supreme Court rulings makes it difficult for educators to do anything at all when confronted with such warning signs. The warning sign in the case of the teacher in Georgia was a pistol pointed right at him. That is a little late. But he made a decision and he executed the decision, saved the child, and was not harmed himself.

It is difficult for educators to do anything when confronted with the warning signs or, indeed, to even enforce ordinary discipline that kids need in order to be molded into citizens.

That goes back to the point I was making a bit ago. Unfortunately, this happens in a lot of walks of life. It happens with employers. It happens with store owners. People stop making prudent decisions or become so overly cautious about the legal costs, which are passed on to the consumer, that they start doing things that do not make sense for society.

We pay a price when it occurs in the school, when a teacher sees a disorderly event or something that potentially is dangerous, wrong, or disruptive to the education in the school, and in that teacher's mind they decide not to do anything, not to act; they walk away because they are intimidated by fear of ultimate consequences. Maybe somebody else in the school system was involved in a frivolous lawsuit. We are producing an environment where persons in charge on school property are stopped from doing things we expect them to do.

In *Tinker v. Des Moines School District*, the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam war. The court believed it was a form of expression. Now we hear about all these articles, one after other, condemning the school for not doing anything because students showed up dressed in a threatening manner in the school. They condemned them for not doing anything. On the one hand, if you do anything, you get sued. It is a Catch-22 situation.

This article says:

On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, "The World We Created at Hamilton High." Assemblies often degenerated into catcalls and semiobscene behavior while teachers watched silently.

Mr. Grant writes, "Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor."

Cheating was widespread, but "few adults seemed to care." Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the other side of the story. One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harassed by daily phone calls from the student's parents and the lawyer they had hired on their son's behalf.

This is different from the place I went to school. There was no "chill" on those teachers. If something this egregious was going on, there was somebody who was going to do something about it. I know I am better off for it and so are all my classmates. This is not the kind of environment—we are talking reform in education—you want going on in schools.

Gratefully, it doesn't go on in all schools. But there is a teacher or principal or administrator in every school who has had it register: I am at legal risk here, even if I'm just doing my job. Everybody knows they are at legal risk if they engage in some wanton behavior that is obstructive or damaging. They cannot tell a student to pick up trash off the floor or do something about cheating going on in a classroom without getting sued. The mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably weary of students backed by litigious parents, not to mention the numerous rights manuals with titles like "Up Against The Law," "A High School Student's Bill of Rights," and "Ask Sybil Liberty"—that is S-y-b-i-l Liberty.

These guidebooks enumerate for already disaffected kids, all the impermissible things teachers are going to try to make them do.

That is actually published literature out there, that somebody who is disaffected for some reason or other can seize onto to protect themselves from the environment of a stable school.

You do not have to answer a school official, if he questions you.

This is the advice from all these great documents I have just enumerated.

A teacher can't make you do anything that violates your conscience.

You know, like the other fellow a little bit ago who was asked to go to the vice principal's office.

If you don't like the way the school makes you dress you can go to the court.

You can demand to see your school records.

In another case, a high school senior in New York State distributed articles urging students to urinate in the hallways, scrawl graffiti on the walls, and riot when the police arrived.

In 1997 the school district suspended the boy but only after the legal case had dragged on for 2 years, including an appeal to the State's highest court.

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr. Grant found that as administrators and teachers became fearful of restless,

back-talking adolescents, they resorted to keeping classes amiable and unthreatening; in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework, or administering tests.

We all came down here last week. We preached. We had different views about what we ought to do.

We know there is something badly wrong in K-12 today. We know it. Everybody knows it. The data is just beyond description—the number of students who cannot read, who do not have quality math skills.

With this activity going on, it is going to be pretty hard, no matter what we do, to get things reversed. We want quality teachers. We want to recruit quality teachers. How many Senators have come down here talking about wanting a quality teacher? I think just about everybody. How are we going to get a quality teacher with this stuff going on where they work?

Over the 5-year period, just 5 years, from 1993 to 1997, teachers were the victims of 1,771,000 nonfatal crimes at school, including 1,114,000 thefts, and 657,000 violent crimes. On the average this would be about 350,000-plus crimes per year.

Madam President, I made my point. I want to give the other side some time. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have the Gregg-Lott amendment before us. The Senator has spoken about the liability provisions that have been included. There are four other provisions that are included in the amendment.

At the appropriate time, I am going to urge the Senate to accept the Gregg amendment.

It seems to me the case ought to be made within the States, since the States have the power to take action on the matter discussed here during the course of this afternoon. The liability provision the Senator has mentioned would say if the States have weaker provisions, then these standards would stand. If they have stronger standards in order to deal with the problems of protecting those who are involved in education, than those would stand.

A number of States have taken it. It always seemed we were focused on what was going to happen in the classroom. If the States wanted to take that action, they should take it. A number of them have. The Senator has offered an amendment which includes these provisions. We are going to recommend they move ahead and they be accepted.

There were other provisions that were included in the Gregg amendment. It makes some small adjustments to what they call the TOPS Program by requiring every local district to take advantage of what the TOPS Program would be. They change the requirements to say that every local district has to do it, instead of just failing ones. I think that is an improvement.

It adds a part of our Democratic teacher quality accountability provision, so after 3 years, if the local district is not improving, the district cannot get the fourth and fifth year funds. We do that plus provide additional kinds of protections. Theirs is a modest change, but a useful one.

As I said, it provides teacher liability, which is acceptable. Then, as I understand it—I read it—there is, in addition, a small pot of money for financial incentives for certifications of teachers. That is not objectionable. It is a very modest program. It might provide some value for teachers.

But I want to come back to the underlying themes of where we are in this legislation. The amendment itself can be easily wiped out by the Governors of the States; the teacher quality program is blockgranted under Straight A's in S. 2.

So in effect, if the Governor wanted to block grant the whole TOPS Program—their basis for recruitment, mentoring, and upgrading skills for teachers in classrooms, which is their teacher education program, they could do it. It disappears. The teacher quality program can be block granted in the 50-State block grant and the 15-State block grant.

So we are effectively eliminating—or under the Republican program we are giving the Governor, at his own whim, the ability to eliminate all the teacher enhancement programs.

We are not there. Democrats are not there. We believe in having a strong emphasis in our program, a \$2 billion program, that recognizes high quality recruitment, mentoring, and professional development.

Just on page 630, there is the treatment of the eligible programs, those which can be block granted. Here we have subparts 1, 2, and 3 of part (A) of title II, that is teacher empowerment. That is true on page 656, which is the 15-State block grant.

Why do we have this debate on a Monday afternoon? We say OK, we will accept it. If we are going to eventually pass S. 2, it will not be in effect in any event. So let's get on to other issues.

This is what has bothered many of us during the course of this whole debate. There is this fundamental commitment of our Republican friends to block grant these programs and issue a blank check for these programs. But, on the other hand, they say that they are really serious about these programs.

How can we accept the fact that they are serious about putting a well-qualified teacher in every classroom when they give an opportunity to the Governors to wipe out that entire program? We do not do that. We say it is essential, as part of the program to which we are committed, that you are going to have an effective program in recruiting and also in professional development.

Let's take another look at page 632 under the block grant program. We call it the blank check—block grant program. On page 632 it says:

(d) Uses of funds under agreement.—Funds made available to a State under this part shall be used for educational purposes . . .

Educational purposes. Do my colleagues know what qualifies for educational purposes? State administrators and their offices. That qualifies for State educational purposes.

We have heard a great deal of rhetoric about how they want to get the money where it ought to be, with needy students, and, under their own definitions, they say it can be used for any educational purpose. It can be used by local administrators for their needs, it can be used for sports facilities, it can be used for band uniforms, because States spend their educational money for those purposes.

What the Republicans say is that they can use the money we are going to provide to them on whatever the States want to use it. The States use it for band uniforms. They use it for administrative funds. They use it for State departments of education. Not our program, but theirs does.

On the one hand, we have an amendment to the TOPS Program that effectively can be wiped out by the Governors and the block grant, and then we look at how they define what are educational purposes under this legislation. They create a loophole for the Governors to drive a truck through. The Governors will make those decisions, not the local educators. It is not going to be the parents. It is not going to be the local school boards. It is the Governors.

One asks: Why, Senator, is it the Governors? Because the Governors are the only ones who, at the end of 5 years, are held accountable. They are the ones held accountable. All they need is to have substantial compliance, and then they can reapply for 5 more years. If this goes on—and I do not believe it will because I do not think they are going to get the results under this program.

I want to take a few minutes of the Senate's time to come back to why we feel so strongly about targeting these programs. I am going to speak about the importance of recruitment and professional development and the importance of mentoring.

As I have said at other times during this debate, we are committed to having a well-qualified teacher in every classroom in this country by the time this legislation has expired.

What is happening at the present time? This is the most recent report from 1999, using statistics from 1994. We see that about two-thirds of individuals who went into teaching had a regular or advanced license. "No license," "substandard license," or "probationary license" are terms used by the States to describe those who have not met certification. They use them interchangeably for the most part. Basically, a third have not met the rigorous standards. We are setting rigorous standards to make sure we have good teachers.

Let's see what is happening. This legislation was developed to meet the challenges of the neediest students in the country. We know approximately 25 percent of the teachers do not have competency in the subject matter or in training skills. Let's see where those teachers are going and what students they are teaching.

Let's look at "by income." Where are these unqualified teachers teaching? 4.4 percent are in low-income communities, and 17.6 percent are in communities with more than 50 percent poverty. As this chart shows, they are not teaching in the wealthy suburbs of this country. They are not teaching where there are middle-income and high-income families in this country. They are teaching basically the lower-income students in this country. This is the very group on which this program and the ESEA is supposed to focus. That is what this whole program is about. That is why in 1965 we had a national concern about the poorest of the poor children in our country, and we decided to focus attention on their needs.

Now, when we are talking about one aspect of education, and that is the quality of our teachers, we are finding in excess of 17 percent are teaching low-income students. If we take this by race, this column shows in schools with 1 to 10 percent minority students, 3.2 percent of these unqualified teachers are teaching in those areas which have the wealthier schools. Again, 17 percent are teaching in schools with a higher percentage of minority students.

This clearly indicates that if we are going to provide the funds, let's try to make some difference. When we give it to the Governors—the Governors are the ones who are giving these numbers to us now. They are the ones responsible for this. They have 93 cents out of every dollar. We are saying that we want to have better qualified teachers.

Let's look at this next chart. This is another way of looking at the teachers in this country. This is the better prepared and the poorly prepared. This is alternative certification program, B.A., and summer training. Designated in red, of those who enter training, 80 percent went into teaching, and about a third remained after 3 years.

Seventy percent went into teaching with a 4-year program, B.A., and a major in a subject field or in education. They are better trained, 70 percent; 53 percent remain after 3 years.

The 5-year program: They get a B.A. and a major in a subject and master's in education. Of the 90 percent who went in after 3 years, 84 percent stayed. What does this say? If we develop the teachers professionally in their competency and skills and additional certification, they will remain in teaching.

And they will make a difference to the underserved in our communities. That is what these charts are all about. This is another feature, the mentoring.

The three provisions are professional development, recruitment, and men-

toring. When you have mentors for new teachers, they stay in the profession. This chart shows the percentage of teachers who leave the profession after the first 3 years without mentoring, which is 23 percent; but with mentors, it is 7 percent. Teachers will stay in teaching when they have mentors. Those teachers who have better opportunities for continuing their education will remain in teaching.

We know how to help retain teachers. We can ask ourselves: What does all this mean in terms of academic achievement? This is from the Teacher Quality and Student Achievement, of December 1999:

Increasingly, the States that repeatedly lead the Nation in mathematics and reading achievement have among the Nation's most highly qualified teachers and have made the longstanding investment in the quality of teaching. Top scoring States—Minnesota, North Dakota, and Iowa; recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring the extensive study of education plus a major in the field to be taught. Case studies of States that undertook the most comprehensive teaching policy initiatives during the 1980s, especially Connecticut, North Carolina, and other States, such as Arkansas, Kentucky, and West Virginia, that pursued comprehensive reform initiatives in which teacher quality figured prominently showed evidence of steep gains in student performance.

We are not doing this as an academic exercise. We are trying to say what works for children. What is happening now can make a difference in terms of children:

There have been steep gains in student performance from the early to mid-1990s for those States that have given a high priority to recruitment, mentoring, and professional development.

Listen to this. The study continues:

By contrast, States, such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing, but where they invested less in teacher learning, showed less success in raising student achievement within this timeframe.

Can we not learn, in terms of using scarce resources, what works and what does not work? This is only one aspect. This is one aspect of our effort here on the floor of the Senate.

We know what works, based upon the kinds of reports and evaluations that have been done.

Here is the study: "What Matters Most: Teaching for America's Future, report of the National Commission on Teaching & America's Future. This was done by Republicans and Democrats alike. What do they point out in this area? They say:

Some problems, however, are national in scope and require special attention: There is no coordinated system for helping colleges decide how many teachers in which fields should be prepared or where they will be needed. Neither is there regular support of the kind long provided in medicine to recruit teachers for high-need fields and locations. Critical areas like mathematics and science have long had shortages of qualified teachers that were only temporarily solved by federal

recruitment incentives during the post-Sputnik years. Currently, more than 40% of math teachers and 40% of science teachers are not fully qualified for their assignments.

Since the successful recruitment programs of the 1970s ended (Teacher Corps), only a few States have created support in the form of scholarships or loans to prepare teachers for high-need areas and fields. In addition, investing once again in the targeted recruitment and preparation of teachers for high-need fields and location is a national need.

That is just with regard to the recruitment. They say it is a national need, a national responsibility.

On the issue of mentoring:

The weight of accumulated evidence clearly shows that traditional sink-or-swim induction contributes to high attrition and to lower levels of teacher effectiveness.

That is just what the chart showed.

Further:

The kinds of supervised internships or residencies regularly provided for new entrants in other professions—architects, psychologists, nurses, doctors, engineers—are rare in teaching, but they have proven to be quite effective where they do exist. Beginning teachers who receive mentoring focus on student learning much sooner; they become more effective as teachers because they are learning from guided practice rather than trial-and-error; and they leave teaching at much lower rates.

Then it continues:

Although some states have created programs for new teacher induction, few have maintained the commitment required. With a few exceptions, initiatives during the 1980s focused on evaluation and failed to fund mentoring. Others provided mentoring that reached only a few eligible teachers or withered as funds evaporated. Again, the problem is not that we don't know how to support beginning teachers; it is that we have not yet developed the commitment to do so routinely.

This isn't only Democrats who are saying this. This is the most comprehensive report on how to get high-quality teachers, mentoring programs, professional development, and what it means in terms of academic achievement. That is what we stand for.

Further, on the issues of professional development, let me mention this:

(Pg. 41) Most U.S. teachers have almost no regular time to consult together or learn about new teaching strategies, unlike their peers in many European and Asian countries.

Remember all the debate we heard last week about: Look what is happening in these European countries. Look what is happening there. One of the things they are doing in many of the European countries, where teachers have substantial time to plan and study with one another—

In Germany, Japan, and China, for example, teachers spend between 15 and 20 hours per week working with colleagues on developing curriculum, counseling students, and pursuing their own learning. . . .

The result is a rich environment for continuous learning about teaching and the needs of students.

Instead of these ongoing learning opportunities, U.S. teachers get a few brief workshops offering packaged prescriptions from

outside consultants on "in-service days" that contribute little to deepening their subject knowledge or teaching skills.

We challenge our Republican colleagues to point out in their bill where they are going to do these kinds of things and meet these kinds of challenges that have been outlined for our students. We ask them: Where is it? It is nonexistent. It just isn't there. I will show you why it isn't there.

Let us compare the various provisions under our amendment to S. 2.

This is where we say: Well, let's see where your program is. Let's take the issue of professional development and mentoring.

The allocation of funds goes to States by formula based on 60 percent poverty and 40 percent population. At the State level, funds go to districts by formula based on 80 percent poverty and 20 percent population. Funds are targeted and focused on the neediest areas. We guarantee funds for these two purposes.

In terms of recruitment, we provide that 30 percent of the State's allocation shall be used by the State agency to provide grants to recruitment partnerships under the sections that we have for recruitment activities. We guarantee funds in terms of the recruitment.

Pass this bill, and it is \$2 billion for high quality professional development, mentoring, and recruitment. We are guaranteeing the funds for these activities. We spell it out in the bill.

They haven't done it yet in their bill. And they can't do it because it is just not there.

When it comes to the professional development, under the basic Republican bill, they say it doesn't guarantee substantial funds for professional development. They say a portion of the funds can be used. This could be as little as one dollar. It is an allowable use for professional development. It is an allowable use in terms of mentoring. It is an allowable use in terms of recruitment. There is no guarantee of any funds for these two activities. Also, there are no assurances to parents that they are going to have qualified teachers in the classroom.

On our side, we say if you are going to end up on the back end of this legislation with results, you have to invest in quality in the front end. You have to set criteria at the beginning of this legislation about what you are going to do in these particular areas.

That is what we have done because that is what is overwhelmingly called for.

Our amendment also guarantees that teachers are going to be prepared to teach children with disabilities along with other students with special needs. We have accountability not only at the State level in terms of teachers but also for every class at the local level.

Our amendment says if you do not make progress in student achievement after 3 years, you cannot continue in terms of the funds.

There is a dramatic contrast in the two different proposals on issues which are so incredibly important in terms of the children of this country.

We have tried in other areas as well: Afterschool programs, construction programs, accountability programs, and parental involvement.

Also, we have tried to find out the importance of those particular programs and what their impact has been on children to advance their academic achievement, accomplishment, enhance their sense of self-confidence, and advance their interests in learning. These are all extremely important. We have tried to include those various programs in the legislation we have advanced. We believe this is a much more valuable way of proceeding than just giving a blank check to the Governors.

How can we in good conscience vote for legislation that is going to send the money back to the States when the States are absolutely failing to do their job today?

We hear: Well, we want something different. We want something that is new. We want something revolutionary. We want something that will sound like it is something completely different from the past.

We are saying we have tried revenue sharing and block grants in the past. That is what we had from 1956 to 1969, and it didn't work. The studies and statistics demonstrate that it didn't work. But this is a very different approach. We didn't have the technology concepts and legislation 6 or 10 years ago. We have a new effort in the way we are going to use that technology, ways that will reduce the division in terms of the digital divide. Years ago, we didn't understand the importance of well-qualified teachers and the relationship between well-qualified teachers and the academic achievement of students. But, we have the statistics, the information, and the studies now, and we want to do something to make a difference.

We didn't really have afterschool programs years ago, because quite frankly, children went home, and more often than not, one of their parents was home working with the child and helping and assisting the child with their homework. That is entirely different today. We didn't know the importance of trying to develop afterschool programs. When you look at the demand for those afterschool programs in communities across the country, we know the importance and significance of giving help and assistance to those children with afterschool programs, which means they are going to continue to make progress academically in these afterschool programs. That is enormously important.

These are matters which are enormously important. They are tried and tested. They are different from where we were before. But there is compelling evidence that these kinds of efforts result in enhanced academic achievement and accomplishment.

The alternative just baffles me. I have been listening and have been on the floor for just about the whole time through: Monday of last week and during the brief time on Tuesday, Wednesday, and Thursday. We continue to hear that we are having a lot of trouble with children in underserved and disadvantaged areas, and what we have tried in the past doesn't work. Therefore, we have to try something else. What is "something else"? What is "something new"? Block grants. They call that something new? That is an old word for revenue sharing. That has been a discarded and discredited program. If the Governors want to do all these things, there is no reason they cannot do them.

Debating merit pay. They said let's have merit pay. Well, the Governors can do that if they want to. If they don't want to, they don't. We are waiting to hear from any State that wants to develop the merit pay program for individual teachers rather than doing it on a schoolwide basis, which, as Governor Riley learned, is the way to go. Governors can go ahead and do it.

As we spelled out last week, different Governors made statements that they were committed to trying to do something about underserved schools. They made those commitments over a long period of time. There are notable exceptions, and I mentioned those States earlier today. They are Republican and Democrat Governors.

In the Governors' Association report of 1986, "Time for Results," the task force was chaired by Governors Alexander, Riley, Clinton, and Keene. Intervene in low-performing schools and school districts and take over or close down academically bankrupt school districts—they urged the Governor to do that in 1986.

By 1997, there were nine States that moved ahead. In 1998, the support for the State focused on schools reiterating a position first taken in 1988 by the National Governors Policy. They say States should have the responsibility for enforcing accountability, including establishing clear penalties in cases of sustained failure to improve student performance. By the year 2000, we will have 20 States providing assistance to low-performing schools.

Some have not done it. Some Governors have not shaped up. Some have, and those Governors ought to be commended.

If we go at this rate from 1986 to the year 2000, from 9 States to 20, it will take 50 more years to get these programs active in the local community. Who wants to wait?

If you were able to demonstrate you had 10 States out of 50 with Governors who had turned that around, you would have some legitimacy on the floor of the Senate in desiring to try it in the other 40. But we haven't seen it.

Our Republican friends want to give them another chance to take all of this money and use it in the capitals of their States, use it for educational purposes which include bureaucracies, and

permit them to use it for a wide range of different activities outside of the needs of underserved children. It is absolutely wrong.

I will discuss another offensive part of this legislation. That is the provision that eliminates our national commitment to help and assist the three categories of children which are the most vulnerable in our society: The homeless, migrant children, and immigrant children.

The immigrant children come from families impacted by federal immigration law and will eventually be eligible to become American citizens. Nonetheless, they have some very special needs. By and large, the States have never paid any attention to them.

We have the homeless children. As recently as 1987, the Center for Law and Education sent out a questionnaire regarding the State practices and policies for homeless students to the chief State officials in the 50 States and the District of Columbia. The majority of the respondents had no statewide data on the number of homeless children in their jurisdictions or whether those children were able to obtain an education. The majority of States had no uniform plan for ensuring homeless students receive an education.

I asked over the weekend, outside of Federal funds, what are the States doing for homeless children. We have been unable to get any indication from any State. Madam President, there were 625,000 homeless children in 1997 and 1998, and only 231,000 of those children were getting some additional help and assistance for educational services.

I hope our friends on the other side will tell us the things States are doing for homeless kids at the present time. I think we will wait a long time. They have not done it in the past, and they are not doing it today. That is true with regard to the migrant children, 718,000 children. They live in poverty, and only 40 percent have completed eighth grade. The instance of sickness among these children—not only physical, but also in terms of mental needs—is overwhelming.

We are saying we will not continue that program as we know it. We are going to send the money targeted for that program back to the States. The reason we created the program is because States were not doing anything for those students.

We have had 4 days of debate on this bill. I hope the other side will tell us—if not tonight, then tomorrow—what all the States are doing with regard to homeless children. We are not taking care of these children in the way we should, even with the funds being provided under the Elementary and Secondary Education Act. We are still reaching perhaps half of those children who need help and assistance. Is any person going to tell us, Senator, when we send these funds back to the States, the Governor will look out after the homeless children, the migrant children, and the immigrant children? Can

any person demonstrate any history where the States have been willing to do it?

That is our challenge. We want to hear it. We have not been able to find that. To block grant all of these funds, send them back to the States, and say they will be able to deal with them, rather than at least have coordinated programs that help track the children as they move down from Florida, through Georgia, through the Carolinas, some all the way into New England and the west coast—they have worked with different communities knowing when the crops change—try to coordinate this.

There has been a positive response from some of the States to work in a coordinated way. We have had some leadership from the Department of Education. Why are going to leave that out? That does not make sense.

I hope when the time comes, there will be an acceptance of the Gregg amendment and then we will look forward to having a good discussion on some of the other matters as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I have really enjoyed listening to my colleague from Massachusetts. He seems to think the only answer to education, public education in this country, happens to be the Federal Government. Of course, those of us who really have watched it and observed it over all these years realize that is not the answer.

The Federal Government spent, over the last 30 years, I guess, \$120 billion. And in almost every category in title I, poor kids do a lot worse. We had over 700 Federal programs—over 700—300 of them just in the Department of Education alone. Yet we still have the same age old arguments that the Federal Government is the last answer to everything and really parents and families just don't know what to do for their kids.

I know there is a legitimate feeling on the part of those on the left that that is true, but there is more than a legitimate feeling on the part of us on the right who know that that is not true and literally the Federal Government is not the last answer. My good friends talks about block grants just being another name for revenue sharing—no, block grants are a way of letting the State and local people take care of their educational processes and to find out how and then to use the money in the best interests of the State and local educational processes. It is a pretty pivotal, basic Federalist principle, it seems to me.

I rise today to talk about the education bill pending before the Senate today. S. 2, the Educational Opportunities Act, if enacted would make a number of improvements to education. This bill that is on the floor would really help education. S. 2 allows up to 15 states to shake off federal restrictions

in exchange for increased accountability. It allows eligible parents to choose the provider of Title I services for their children.

This bill also gives parents the right to move their children out of schools that are failing them.

Why would we not want to do this? why would we not want to allow parents more control over the education of their children? I am sincerely baffled as to why this bill has attracted such opposition—I cannot believe that my colleagues are more interested in protecting bureaucracy instead of supporting teachers and students. Why should my colleagues be more concerned with filling out forms than in getting needed funds into classrooms?

I commend the Chairman and the hard working members of the HELP Committee. This is one of the most difficult committees to chair and to work on. I should know. I think the committee has put together a common-sense piece of legislation that, while not as sweeping as some would prefer, moves us along in the right direction. I would like the opportunity to vote for this bill.

I listened with interest to the comments of my fellow Utahn, Senator BENNETT last week. I thought he made some excellent points, especially about the voluntary nature of some of more controversial elements of the bill. These really are very modest reforms, and this Congress and this President should move ahead with them.

It may come as a shock to some here in the Emerald City, but the Federal Government did not invent the public schools. Education in our country is never going to get better if we do not stop spinning our wheels here in Washington and start supporting the innovative reforms being implemented at state and local levels.

There is a role for the Federal Government, but it is a supportive one. And, many of those supportive programs are being reauthorized in this bill.

Today, however, I would like to speak about my amendment to the Title I funding formula for economically and educationally disadvantaged authorized in the Elementary and Secondary Education Act—ESEA.

Before I get into that, though, I would like to note the Federal Government pays about 7 percent of the cost of education. Yet it requires 50 percent of the paperwork. That is the equivalent of 267,500 full-time teachers. We could go a long way towards solving some of the teacher problems in this country if we would get off the kick that the Federal Government is the last resort to everything. I think the Federal Government muddles in education where it should not. And many of the things it has done have not been fruitful or beneficial, even though I admit that the Federal Government can have a supportive role, if it is truly supportive and not destructive.

My amendment would make the Education Finance Incentive Grant Program, EFIG, a permanent statutory factor in the allocation of resources in the Title I formula. The EFIG program is currently authorized as a separate part of the Title I formula, which has never been funded. I believe that including it as a permanent factor in the Title I formula has merit. The Education Finance Incentive Grant Program distributes resources to states based on two important factors: effort and equity.

The effort factor measures a State's own fiscal commitment to education. The equity factor is determined by a state's commitment to equitably distributing resources among its school districts. Unlike demographic factors, both effort and equity can be controlled to a substantial degree by states as a matter of policy.

The equity factor is a crucial element of the EFIG program. It measures the "coefficient of variation" of funding among a state's school district; i.e., the equity factor measures how well a state endeavors to even out education assistance between districts which have high property tax revenues and those which do not.

Let me reiterate my support and appreciation for the hard work done by the HELP Committee on this bill, which I support. But, I wish the Committee had looked a little harder at the Title I formula. S. 2, as reported, does not change the fundamental problem of using State-per-pupil-expenditure as a proxy for determining a state's financial commitment to education.

What this expenditure proxy does is place a higher value on a child who lives in a rich State than it places on a child from a poor state, which cannot spend a large amount. If a State can afford to spend more money per-pupil, it gets more money from the Federal Government. If a State has less capacity and cannot spend as much per-pupil, it gets less money under Title I. This seems backwards to me.

Second, use of per-pupil spending as the sole proxy for a State's commitment to education ignores other important factors—such as tax effort. Thus "effort" is also a component of the EFIG formula, which my amendment would finally incorporate into the Title I formula.

In my home State of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size, and increasing salaries for teachers.

Utah takes its commitment to education funding very seriously. During the 1995-96 school year, education expenditures in Utah amounted to \$92 per \$1000 of personal income. The national average was \$62 per \$1000. In other words, Utah's education expenditure relative to total personal income is 50 percent more than the national average. It is the third highest in the nation.

In terms of education expenditures as a percent of total direct State and local government expenditures, Utah ranks 2nd in the Nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

No one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the National average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st in the Nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the Nation.

But I am realist. While I would like to completely eliminate per-pupil expenditure from the Title I formula, I understand that this is not going to happen.

However, I do believe it is appropriate and very sound policy to include in the Title I formula a small measure of diversity, that is, other ways of measuring a state's commitment to education—namely, effort and equity.

Including the EFIG program as a permanent factor in the allocation of Title I makes sense from this perspective.

Equity in education financing is receiving considerable attention both in the media and in the courts. States are being compelled by the courts to equalize resources. Most experts agree that the courts are tending towards equalization. To the extent reluctant states are having to equalize education funding to comply with court decisions, my amendment provides these States with some measure of relief because greater equity will increase their allocations under Title I. David Goodman in "Mother Jones" noted:

Since 1971, when the California Supreme Court declared in *Serrano v. Priest* that using property taxes to finance public education was a violation of the state constitution's equal protection clause, all but six states have been sued over educational equity. To date, school financing systems in 19 states have been deemed unconstitutional, and the courts have ordered these states to restructure their systems to improve the quality of education for all.

The implication is clear: School funding and student performance are believed to be directly and inextricably linked and wide variances in school funding are thought to both promote and maintain inequality of educational opportunity.

Indeed, some States are increasingly compelled to demonstrate that not only are they equalizing resources, but are providing an equal quality of education to all students.

I understand that these initiatives are causing some community concerns. I know that the distinguished Chair-

man of the HELP committee is all too aware of the controversies associated with the legal ruling in his home State of Vermont. However, the increasing reliance on resolving these issues through the courts and the fact that the courts are tending to favor equalization as a means of mitigating educational disparities lead me to conclude that legally requiring States to equalize resources among districts will continue to be a strategy employed by those concerned about education equity.

I also conclude that it is an appropriate use of federal resources to provide incentives for states to implement equalization programs as well as to assist those implementing court-ordered policies.

Resource equity has been identified as an effective strategy to accelerate education reform, which was the theme of the 2000 education conference sponsored by the Aspen Institute. Included in the rapporteur's summary was the following:

In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states. It is not unusual for the per-student expenditure to be three times greater in affluent districts than in poorer districts of the same state. Although qualified, effective teachers and principals are key to student achievement—even more so for at-risk students—districts where salaries are low continually lose teachers and principals to districts that are able to pay more.

... Equally important is crafting finance equalization strategies, such as allowing federal funds to go only to those states that demonstrate equitable and adequate state education funding.

A Rand report summarized that,

A ... promising strategy would offer federal incentives to states to equalize spending among their own districts. A crude form of incentive would make a state's eligibility for Chapter 1 funds contingent on a certain degree of interdistrict fiscal equality.

The Rand report concludes, however, that

Potentially the most effective incentive-based approach would build rewards for intrastate equalization into a new program of general-purpose federal education aid to the states. The size of each state's general grant would depend on one of more indicators of school finance equity."

This amendment that I will offer later in this debate is consistent with the Rand report recommendation.

Let me make it clear that my amendment does not call for equalization among States. In essence, that is what Title I itself is supposed to do—assist States and local education agencies to fund low-income districts and schools. My amendment is not even mandatory on the states. Those states who wish to retain their current within-state distribution plans, assuming the court has not compelled them to change those plans, may do so.

I am not asserting the equalization of resources among school districts is the answer to every education dilemma faced in our county. Indeed, like most

reform efforts, the data on its effectiveness are contradictory.

Moreover, I have always been a firm believer that states and school districts must be able to adopt school policies—including school reforms—that work for them. Whether or not we happen to like a particular reform idea here at the national level should not matter. We should not be drawn into the “reform du jour” mentality. Just because something is the latest idea flowing from academia doesn’t mean it will work for the Granite School District or any of the 41 local districts in my State or any other school district.

Equalization is not a silver bullet, and I am not claiming that it is. It is a very small modification. But, when equalization is combined with other education reform efforts, such as in Texas, there is improvement in education. The following from the National Journal illuminates the success Texas has had when the equalization of resources became the catalyst for other systemic education reforms.

Poor districts received substantially increased funds, but no one in Texas got a lot of money for education, especially compared with states such as New Jersey and Connecticut.

... Texas officials say the additional funds were crucial for low-income schools. “If you went to poor communities that are doing well, they will point to programs they’ve implemented, issues they’ve addressed, that they would not have been able to address without the funding that’s become available to them in recent years,” said Joseph Johnson, director of the Collaborative for School Improvement at the Charles A. Dana Center at the University of Texas (Austin) ... The crucial difference, he maintains, is focus, especially on the “academic success of every student and making sure resources in those schools are very clearly, deliberately focused on instruction.” The moral of this story: Money matters—but only if schools make it work for them.

I believe that an equalization factor is consistent with the intent of this Elementary and Secondary Education Act reauthorization to assist students at risk. I believe that the unequal distribution of resources among school districts disproportionately affects poor and minority students. A strong equalization factor will provide an incentive for States to address this.

A report prepared by the Policy Information Center of the Educational Testing Service, titled *The State of Inequality*, concludes that:

Thus, it can be established with national data that educational resources are unevenly distributed. It is also clear that, on average, students in poorer areas are likely to have fewer educational resources than those in wealthy areas. There are also wide variations in the effectiveness of schooling, after differences in socioeconomic status are considered.

Further studies have also determined that high poverty and minority students have fewer opportunities to take “critical gatekeeping” courses in math and the hard sciences, thus preventing access to institutions of higher learning.

A report prepared for the House Committee on Education and Labor, titled,

Shortchanging Children: The Impact of Fiscal Inequity on the Education of Students At Risk found that, “Inequitable systems of school finance inflict disproportionate harm on minority and economically disadvantaged students.”

Additionally, as I have discussed, the EFIG program has been modified to include a poverty factor in the effort portion of this formula.

This continues to be a pressing issue. I was particularly moved by a recent article I read in the Charleston, South Carolina, Post and Courier, that highlights once again, the glaring disparities between what poor children can expect from schools and what rich children can expect from school.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston (SC) Post and Courier, Jan. 9, 2000]

LACK OF RESOURCES HAMPERS STUDENTS IN POORER DISTRICTS

(By Sybil Fix)

Every morning, as the sun rises above the fields, students in Marion County School District 3 journey to Centenary to attend Terrells Bay School.

There, they could hope to find what other students in South Carolina have—experienced teachers, a rich array of classes and a chance for a good education. In their part of the world, where 85 percent of the students are on free lunch and few make it to college, that could change lives. But students in Marion 3 will get something less. At Terrells Bay, students learn physics, statistics, anatomy and biology via interactive television because the district can’t afford to hire teachers for those subjects.

They study Spanish via television, too, and that is their only foreign language choice.

They have no teacher for math above Algebra II. They have no choir, no performing arts, no visual arts. They have no debate team, no clubs of any kind. Boys can choose only between basketball and football. The school has a successful girls basketball program.

They have a tiny library, with stained ceilings and half empty shelves, and bathrooms barely fit for use.

Principal Al Bradley gives thanks for a nucleus of good teachers he says save the school.

But his is a constant struggle to make do. “The reality is that given the facilities and the money and the programs, we cannot provide an education that is equal in quality to what they get in Irmo or other schools,” said Bradley, 36, a soft-spoken man whose office looks like a refurbished cubbyhole.

Outside, stray dogs wander between humble houses and rundown shacks surrounding the red brick, flat-roofed building a stone’s throw from the town off S.C. Highway 41. Cows and mowed fields are steps away and continue for miles.

Bradley’s two sons attend Terrells Bay.

“There is no way they are getting an equal education here,” he says, shaking his head. “It seems to make no sense. How do you explain it?”

In district after district across the state, educators face the constraints of a school system that fixes haves and have-nots in a pattern of inequity.

It is not only that less is spent on educating children who, mostly poor and mostly black, live in poor school districts. It is also

that less is spent on addressing the greater educational needs of children in concentrations of poverty in districts with scant local revenues.

Poor districts have less to spend on teachers, materials, building maintenance and capital projects.

Their academic programs lag behind; they have fewer and less-experienced teachers; their schools are old and decrepit; and most often, their performance is lower.

While per pupil expenditure doesn’t tell the whole story, few seem to believe that the spending levels in South Carolina’s poorest school districts can ensure an adequate education.

“My kids deserve the opportunity to consider Harvard, Yale or Duke just like everyone else,” said John Kirby, superintendent of the Dillon 3 School District. “But we are like a poor county family. We have the good morals, we love our children and we want the best for our children, but we can only take them so far and they deserve so much more.”

He shrugs.

“All of us here in South Carolina were invited to the Kentucky Derby, but some of us were given thoroughbreds and some of us were given mules. We might all get to the end . . . but some of us might be cleaning up the track.”

INEQUITY IN THE MAKING

The inequities in South Carolina’s school system were cast with the birth of the state’s free schools in the early 1800s.

“A lot of the difficulties from the beginning are ones that occurred throughout the South and throughout the United States,” said Dr. Craig Kridell, curator of the Museum of Education at the University of South Carolina and a professor of history of education.

Efforts were made to place a free school in each county, but in rural areas the schools were too distant for many to attend. Because they were labeled pauper schools, many shunned them. And many of the families they targeted preferred to keep their children at home to work.

The state provided money for free schools, but local need wasn’t considered. There were great differences in competence among teachers and among local school commissioners, Kridell said.

“The History of South Carolina Schools,” published in part by the Department of Education, quotes governors and superintendents throughout the 1800s remarking on the scarcity of efforts made to educate the middle—and poorer—classes, particularly in rural areas.

By the mid-1800s, when it became clear that funding schools was too costly, the state shifted most of the burden to the counties, through local property taxes.

The state did guarantee a minimum amount of state funds per pupil per district, but the funds often were withheld, Kridell said, and local funds were not shared equally between black and white schools.

By 1900, education superintendent John McMahan reported to the Legislature that “each county supports its own schools with practically no help from the state. Each district has as poor schools as its people will tolerate, and in some districts anything will be tolerated.”

At that time, school attendance was not mandatory, and nearly 75 percent of children never went beyond fifth grade.

In the early 1950s, under Gov. James Byrnes and facing the threat of integration, the state passed its first sales tax to try to equalize conditions among school districts—generating \$100 million to build 200 black schools and 70 white schools.

The number of official school districts, some without schools, went from more than

1,700 to 109—now 86—and a new bus system offered transportation to black students for the first time.

But the quality of education was inconsistent, and teacher quality was abysmal, Kridell said.

Between 1940 and 1970, because of the sales tax and increases in federal Title I funding for disadvantaged children, school funds went from \$178 million to more than \$300 million.

But the gap between tax-poor and tax-rich districts remained.

EFFORTS TO CHANGE

In 1977, under the leadership of Gov. James Edwards, South Carolina passed the Education Finance Act, specifically to address underfunding of schools in rural and black areas.

The law guaranteed a base amount for a minimum education per student, and required that the state allocate a certain portion of funds based on children's needs and the districts' ability to raise local revenues.

The districts with the least property wealth and the highest number of at-risk children were to receive more money.

And they do.

The effort pumped \$100 million into the school system over the next five years. In 1983, an audit praised it for bringing more equity to the system.

But a 1989 audit concluded that the money allocated for the minimum education per student wasn't enough. Entire categories of funding—transportation and teacher benefits, for example—were exempt from equity formulas.

The poorest districts had 35 percent of the wealth of the richer districts. To compensate fully for the difference, the state would have had to give an average 39 percent increase in funding to the poorer districts and a 33 percent decrease in funding to the richer districts.

Passage under the leadership of Gov. Dick Riley of the Education Improvement Act in 1984 provided an additional \$217 million to the schools, primarily aimed at increasing student performance. The law called for stiffer graduation requirements, teacher evaluations and salary increases, grants for good schools and for gifted and talented students.

But the quality-based act included no equity formula, and through the years it gave much more money to the better-performing, wealthier districts, state data shows.

"While poorer districts receive more total state funds per pupil than wealthier districts, state funding does not fully compensate for wealth disparity," the audit concluded. "There is less assurance that students from poor districts are receiving comparable educational programs to those in wealthy districts."

FUNDING NOW

The local ability to raise taxes still drives education funding, and it is the prime source of inequity.

Operating expenditures per pupil vary from \$8,062 to \$4,769 across the state. The amount per district is mostly determined by the local tax rate plus the state allocation.

On average, the state pays about 52 percent of the cost per district and the federal government about 8 percent. The districts are expected to come up with the rest, said John Cooley, the Department of Education's director of budget in the Office of Governmental Affairs.

The problem is that many districts can't raise the remaining 40 percent, and the state doesn't make up the difference.

About 55 percent of all state school funding—or about \$1.3 billion—is distributed according to some consideration of equity, Cooley said.

But here, as in most states, said Georgia State University school finance expert Ross Rubenstein, there is no consideration of simple poverty.

Education improvement money, which accounts for about a fourth of all state education funding, is distributed without any consideration of a district's finances.

In addition, revenue-hungry districts often have to compete with wealthy districts to receive state grants for necessities such as computers and software and computer training for teachers. While priority sometimes is given to poorer districts, wealthy districts often receive the same amount.

Funds raised locally, meanwhile, are vastly different.

Districts with high assessed property values can collect more money with low tax rates—and spend more money on schools—than can school districts with low assessed property values.

The value of the mill—the unit of taxation—ranges from less than \$10,000 in Clarendon 3 and Marion 3 and 4 to \$1 million in larger counties such as Greenville and Charleston. Charleston has a legislatively imposed cap on the amount of tax dollars that can be raised for schools.

Over the years, development in the wealthier districts has brought in higher tax revenue than equity funding formulas have been able to compensate for, Cooley said.

State data show that, over the past 10 years, the increase in total revenue per student for the poorer districts is barely comparable to and in some cases lower than the increases in revenue per student for the richer districts.

For example, Spartanburg 7 school district has seen a \$3,082 per pupil revenue increase since 1988, while the districts in Dillon, Marion and Clarendon counties have seen increases ranging from \$2,000 to \$2,500.

While Lee County school district receives \$3,469 more per pupil from the state than the York 2 school district, York 2 still receives more in local taxes per pupil—\$4,426. In total per pupil revenue, York 2 comes out ahead by \$1,291.

What difference can \$1,291 make per pupil?

In Lee, that amounts to \$4.5 million that the district could spend on everything from music and art rooms to science labs and lighting, said superintendent Bill Townes.

"Four and a half million would not address all of our needs in this district, but it would go a long way," he said.

TEACHER SAINTS

In the evening, when the sun sets below the fields of Orangeburg County, teachers at Elloree Elementary School wrap up classroom activities and pack up their cars to take their students home.

Were it not for the teachers, the students couldn't stay at school to play, to work on reading, to get extra attention.

In countless poor schools around the state, from Memminger Elementary School in downtown Charleston to Anderson Primary School in Kingstree, teachers spend an inordinate amount of their time and money to make up for what school systems don't fund and what home lives don't offer.

"You have to put forth a lot of effort to provide experiences that they would otherwise not get," said Debora Brunson, principal of Elloree Elementary School, which sits on a sun-beaten field at the northeasternmost corner of Orangeburg County.

Teachers in poorer districts have double duty, said Holly Hill-Roberts High School Principal Patricia Lott.

"You are supposed to teach them what you are supposed to teach them at that particular time of their lives, and make up for what they are not bringing with them when they come to you."

Schools in wealthy areas can rely on fees, fundraisers and donations.

In poor districts, stories abound of teachers who spend their earnings to buy children materials, clothes, food.

Yet teachers in those districts are paid much less than those who teach less needy populations of students.

"You find schools with the greatest needs, children with the greatest needs and staff with the greatest needs all together," Brunson said. "What does a poor school do?"

Dillon 3 spends 69 percent of what is spent in Spartanburg 7 on instruction per student—\$2,779 to \$4,029.

The beginning teacher there makes \$21,925. Teachers in Horry County make \$10,000 a year more because local money covers hiring bonuses, Kirby said.

This year, for the first time, Kirby can offer an \$1,000 incentive to teachers with perfect attendance. But the average contracted salary for longtime teachers there remains at \$30,858, compared to \$36,816 in Lexington 5. Marion 3 ranks last with \$27,848.

The Dillon 3 district has cut all teacher aides except for special education and kindergarten. So teachers are even more burdened.

If, under those circumstances, teachers are actually good at what they do, said University of New Hampshire sociology professor Cynthia Duncan, "they are missionaries. We should not require people who teach in bad circumstances to be saints."

Attracting experienced teachers to poor and poor-performing rural areas is nearly impossible. Marion 3 and other such districts become training grounds for young, inexperienced teachers who commute long distances.

Who wants to live there, asks Everett Dean, superintendent of Marion 3, opening his palms to the countryside outside his window.

"People with master's degrees from prestigious universities have the luxury of going to teach at really good schools, and the kids who most need them are least likely to have high quality teachers," said urban education professor Gloria Ladson-Billings of the University of Wisconsin.

Ladson-Billings said children in poor schools are five times as likely to have teachers who are not certified in math and science—subjects that might help them break free from lives of low expectations.

Terrells Bay School, which has abysmal student performance, is allowed to use uncertified teachers because it is considered a critical needs school that can't attract teachers.

ACADEMIC PROGRAMS

In Marion 3, students who want to take anatomy sit in a small room cramped with old equipment and stare at a television screen.

There are simply not enough interested students to justify offering certain courses, says Dean. Even if they had the students, the district doesn't pay enough to attract teachers for advanced courses.

Students who most need interactive classroom work get distance learning. And students who wouldn't otherwise be exposed to foreign cultures are offered only Spanish while students in Lexington and Spartanburg, in addition to French and Spanish, can study Japanese.

Dillon 3 has only two advanced placement courses. There is no dance, no theater, no performing choir.

"We have great singers and talented students here," Kirby said. "But I can't provide an environment where they can use their skills."

While his students perform at average level, "I feel like we are still handicapping

them. The differences show up in the real world. They simply don't have the same opportunities," Kirby said.

At nearby Rains-Centenary Elementary School in Marion 3, there is no performing arts program, no arts or music program, said Principal Linda Bell.

"We don't have enough books. We are nowhere near where we need to be," she said.

Patty Schaffer, principal of North Charleston's Ron McNair Elementary School, another school with a high ratio of students living in poverty, points out inequities in the availability of arts and music teachers.

Her school has a music teacher and an arts teacher only two days a week.

"It is a huge equity issue," she said. "We know that this population should have more exposure to art and music and it shows on the tests, but we give more art and music to children who have piano lessons at home. We need to look at what children already have, and that should drive the horse as to what we give them."

Because of the inequities in the system, those who have to rely on schools for all their learning are at a huge disadvantage, said University of Wisconsin literacy scholar James Paul Gee.

"Upper middle class families give their children tremendous social and cultural and educational capital outside of school, and many families are able to buy more and more outside of school," he said.

THE SOCIAL WORK

In a small room at Latta Middle School, six profoundly mentally disabled students amble around, one practicing walking steps, another wandering in circles, another sitting idly.

Down the hallway, between the middle school and the high school, there are four classes of learning disabled children.

Kirby calls it a disproportionate number of special needs children—nearly 15 percent of his school population.

"Our health problems are off the chart," Kirby said. School districts with high concentrations of poverty and high births to teens face the fallout of poor health services, prenatal care and nutrition.

While they receive some federal and state funding for special education, often it's not enough.

"I have some students that cost me \$20,000 a year to educate," Kirby said.

"When you are in a poor small rural district, often you are the richest agency," he said. "They see us as the hub for services and they bring their needs to us."

To care for them, the Latta school system has one social worker per school and two shared mental health counselors. Other schools have comparable numbers of people but fewer students in need.

Ron McNair has 13 mentally disabled students and a full class of emotionally disabled ones. Because of low pay, the school is unable to attract a teacher for them. So they are taught by non-certified substitutes with no training.

"To put students who a regular teacher cannot handle in a class with a non-certified teacher . . . it is a real disservice to the child," Schaffer said.

North Charleston Elementary School has a comparable number of students in special programs, said Principal Bill Hayes.

"Most people have no idea of what we deal with these days. We dispense enough medicine at lunchtime from this school to run a drug store," Hayes said.

BUILDINGS

Dean takes a visitor around the Rains-Centenary Elementary School, seeming almost ashamed.

"I could tell you some facilities horror stories," he said.

This year his district spent \$494 in facilities per student. But the buildings have not been renovated since their construction in the 1930s and the 1950s. The need is much greater than the spending.

"The fact that we are educating our students in an old dilapidated building affects everyone, even the recruitment of teachers," said Bradley. "It's a negative feeling when you walk into a restroom and the commodes are 40 years old."

For the first time in decades, South Carolina this year begins distribution of \$750 million in bonds for school construction and renovation. The money is distributed among districts based on need, on the number of students—with more money going to children with greater educational needs—and on past effort made to upkeep buildings. It also has an equity component, and it appears that poorer districts will receive more than wealthier ones.

But it is unclear if that will make up for the inequities in conditions.

Marion 3 this year spent 71 percent of what was spent on facilities per pupil in York 2. It spent \$3 per pupil on capital projects. Terrells Bay spent \$70; Latta High, \$24.

By contrast, Clover High School in York spent \$2,270 per student on capital projects last year.

Clover High has 17 empty classrooms for growth, a state-of-the art library, a new 2,500-seat gym, a new cafeteria with heated outside areas, a security system with 64 cameras, a \$7.5 million auditorium, and a lab for every science teacher, said Principal Wayne Flowers.

To attract good teachers, in addition to considerably higher salaries, Clover High offers an early childhood day-care program for employees.

Clover High is in a district that receives high local tax revenues—nearly \$5,400 per student a year.

Not so in Dillon 3, with local revenues at \$1,037 per pupil.

Latta Middle and Latta High schools share the library, gym and cafeteria. The library triples as a computer lab and a tech prep construction site of sorts, and is cluttered with piles of old books.

The cafeteria is bare, the hallways dismal. The window treatments are yellowing and warped.

"We have a lot of makeshift here," Kirby said, showing a visitor an arts lab with tables from the old cafeteria.

STEPCHILDREN

When Dean gathers with other educators to talk about the schools, he sometimes feels like an ugly stepchild.

"You are not sure that people understand that you can't change some of the things that are not providing opportunities for our children.

"Money alone does not solve the problem," Dean said, "but when you can't employ the best teachers because of your location and your low salaries, yes, that is going to impact the quality of the education you can offer."

Since 40 of the state's school districts filed suit seeking equitable funding, the General Assembly has been trying to be more sensitive to wealth differences, Cooley said.

But South Carolina continues to contend with its history.

"It has not been real important that all children be educated. While it is changing slowly," Dean said, "we are still dealing with the economics of a system of the past. Particularly when it comes to race, we have not understood that it benefits everyone to be better educated."

Mr. HATCH. The purpose of title I is to give educationally and economically

disadvantaged students additional assistance: teachers, textbooks, and additional education resources. These resources were never intended to comprise the entirety of aid to an educationally or economically disadvantaged student.

Unless there is an equity factor used in their distribution so that poorer districts within a state can be brought closer to even, those title I funds that are provided will merely be a thin coat of paint covering up the cracks. The layering of resources where resources are already inadequate will not meet the needs of disadvantaged children. Title I was meant to provide additional resources, not to compensate for an inadequate financial commitment to poorer LEAs on the part of States.

By directing resources to states where this is not the case, we are being true to the underlying intent of title I.

Indeed, as the following excerpts from the debate over the final conference report reveal, the addition of the effort and equity factor in the title I formula it was the reason why many Members of the Senate may have voted for the conference report. However, title I funds have yet to be distributed using this factor.

I refer my colleagues to excerpts from the debate over the conference report to ESEA and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX II

Mr. GRASSLEY . . . I am also concerned, Mr. President, with the chapter one formula that came out of the conference committee. I supported the Senate language added by Senator Hatch, which removed the restrictions on the equity bonus. Under the change made by Senator Hatch's language, each State received the full benefit of its equalization effort.

Under the Hatch chapter one formula which passed the Senate, 38 States would have received increased chapter one allocations. Iowa would have received \$2.5 million more than the original formula in S. 1513.

Unfortunately, according to the Congressional Research Service, Iowa is among 31 States to lose funds from 1996 to 1999 under this conference passed formula. Iowa loses almost \$10 million in funds from 1996 to 1999. The big winners under the formula changes are New York, California, Texas, and Illinois.

Mr. HARKIN. Mr. President, as a member of the Labor and Education Committee and also as chair of the Senate Appropriations Committee that appropriates money for the Department of Education, including title I, I would like to correct the record. I have the greatest respect and friendship for my colleague from Iowa. However, sitting here listening to his remarks and comments, I certainly wish the Senator, my colleague, had talked to me before he made those comments. Maybe I would not have to stand up to correct them. Because, frankly, what my colleague just said simply does not comport with the facts.

The chart that Senator Coats sent out this morning, and used this morning, it is like that old saying: In the Bible it says 'There is no God.' It says that in the Bible.

But the sentence before it says, 'The fool hath said in his heart, There is no God.'

So, if you take things out of context you can prove the Bible says 'There is no God.' That is what Senator Coats did this morning.

Senator COATS sent this notice around to our offices this morning, "Urgent, Members Attention Only," and it says, "Senator Harkin: Reasons to Vote No on Elementary-Secondary Act; Iowa Would Lose \$9.95 a million." I assume that is where my colleague got that figure.

Senator COATS is only telling half the story. He is sort of saying it says, in the Bible, "There is no God," but he does not tell you what the sentence before it says.

I tried to get the floor this morning to correct it. We were under a time agreement, the time ran out and I could not get the floor. Fortunately, I was able to talk to Senators as they came to the well to let them know that the figures that Senator Coats was putting out were wrong.

Let me correct that record now. Iowa does not lose \$10 million. I happen to chair the Appropriations Committee that funds the money. There is no way this would have gotten through if my State was going to lose \$10 million, I can tell you that, Mr. President. No, what we did and what is not being said here and what is not understood—and I say this to my friend from Iowa, my colleague—there are two parts to this formula on title I. There is the targeted grant formula. That is what Senator Coats is using. If you only look at the targeted grant money, yes, Iowa and a lot of other States lose money. But what we added in conference was another portion of the formula called effort and equity, something I feel very strongly about. I debated it on the Senate floor. So when we went to conference, in trying to strike a deal with the House, they only wanted targeted grants, but I insisted that we also have a second formula for effort and equity, and that is what we did.

So under the bill itself, there is money that goes for targeted or for effort and equity. New moneys that we will appropriate can be split by the Appropriations Committee. Some can go to targeted, some can go to effort and equity. The Appropriations Subcommittees will decide. First of all, next year we have already appropriated the money for fiscal year 1995. That is already done. For fiscal year 1996, there is a hold-harmless clause. So no States are going to lose money in 1996, not Iowa nor any other State can lose money in 1996. So, again, Senator Coats used this from fiscal year 1996 to 1999. You cannot use 1996 because there is a hold-harmless clause.

Beginning in fiscal year 1996, the Appropriations Committee, under the authorization of this bill, is allowed to use whatever new moneys we appropriate, up to \$200 million in 1996, for effort and equity. Beyond that, such sums as are necessary.

Senator Coats used a figure from CRS of \$400 million. I can show you the record in conference. They were talking about \$400 million increases in title I. I said, I don't know what you are talking about. The average over the last 5 years has been \$275,000, and under the budget caps and the ceilings we have, there is no way over the next 5 or 6 years that we are going to have a \$400 million increase in title I. I would like to see it. If you are asking me if we can get the money, would I like to put \$400 million in title I, absolutely; but we are not going to have that kind of money.

So in title I then, assuming we can get a \$200 million increase, the Appropriations Committee can put all of it into effort and equity, 75 percent of it into effort and equity, half of it into effort and equity—whatever we want to do.

So what we did is we prepared a chart showing what would happen to the States if

just half of the money went into the effort and equity or if all of it went into effort and equity.

Under either one of those scenarios, Iowa, instead of losing money, makes money. In fact, I do not have the runs for anything other than \$400 million, but even under \$400 million, Iowa would gain about \$400,000 a year; and if we put the whole thing into effort and equity, Iowa would gain about \$1.8 million a year.

Mr. GRASSLEY. Will the Senator yield?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Will the Senator yield for a question?

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Prior to the question, if I can just say, first of all, I compliment the Senator because I know when it came out of committee the first time, that he got the formula that was in the original bill introduced improved dramatically. So our State would be helped and probably a lot of other States would be helped. So I compliment him on that.

I do not know anything about his activity in conference or any other process, but I did notice his work in that area, and he did improve it and I compliment him for it.

My question is only this: Senator Coats and I are both relying upon the work of the Congressional Research Service. I have not found the Congressional Research Service to be wrong very often, if at all, that I can recall. Has my colleague from Iowa discussed this with the people in the Congressional Research Service to see if they made a mistake and how they made a mistake? Can you tell me how they made a mistake?

Mr. HARKIN. I appreciate the question. I will try to respond to it. The figures I am using come from the Congressional Research Service. What I am saying is that Senator Coats only took one column.

Mr. GRASSLEY. I think I have that chart here.

Mr. HARKIN. If you look at the chart, what he did was he took the second column over, which just says \$400 million under targeted formula. Senator Coats used that column. He did not take the other two columns. The other two columns add effort and equity; the third column over showing what would happen if we split it in half; the last column showing if we put it all into effort and equity.

I cannot in any way tell my colleague how much we will put in. I can assure him it will be a minimum of 50 percent. I suggest, knowing the members of the Appropriations Committee and that 33 States will be helped by effort and equity, it stands to reason that the bulk of the money will go into effort and equity. So I would say we are probably close to the column on the right-hand side, which shows Iowa getting \$54 million.

Keep in mind, that is based on \$400 million. There is no way we are going to get \$400 million, but it gives you an idea of what happens under this thing.

So what Senator Coats did is he simply took out of context what CRS came up with. He took one column, and that is why I tried to get the floor this morning to explain that is not so. That is just not the way the Appropriations Subcommittee is going to operate, and that is why we put the effort and equity thing in there.

In no way is Iowa going to have their moneys reduced under this effort and equity formula. That is the point I tried to make this morning and I tried to make it in the well to the Senators. As I said about my Biblical example, about taking something out of context, sure you can take one column, but that is not what we are operating under.

I hope that clears it up. Does my colleague have any further questions on that?

Mr. GRASSLEY. I do not have any further questions, Mr. President. I will say, I hope it clears it up because I would like to think we are passing legislation that will be more fair to more States than that original chart that I saw. But I also suggest that I have been informed that Senator Coats is going to come over and try to discuss what interests my colleague from Iowa in some further depth, and I think I will defer to his discussion of that.

Mr. HARKIN. I will be glad to. I talked about this with Senator Coats in private. I will discuss it with him on the floor and have him respond as to what CRS put in the other columns because he just used one column, he did not use the other two.

Mr. GRASSLEY. Mr. President, if my colleague wanted to make the point that what we came back with from conference was not quite as good for certain States, including my own, as was in the bill passed by the Senate, he is absolutely right. But the reality is that the House would not accept that. So we had to work it out with the House, and I think we worked it out in a reasonably fair manner, I must say.

The original formula that came out of the Clinton administration, what they had advocated, was devastating for Iowa and for a number of other States.

But we worked with Senator Pell, Senator Kennedy, Senator Hatch, Senator Kassebaum and Senator Jeffords. We worked this whole thing out in committee on a bipartisan basis to come up with a better formula. We did that. We had votes on it. We had debates. We even had a debate here on the Senate floor. We had a vote. But in going to conference it was clear that the House Members were not going to accept in totality what we had done in the Senate. And thus we came up with this new formula. And, quite frankly, I must say I think the new formula is fair.

I just want to say the Congressional Research Service, again, will do any run that Senators ask for. If you ask for a run on \$500 million a year, they will do that. You can do a run on \$1 billion a year. They will do that. But just because these tables are prepared does not mean that is actually what is going to happen. As I said, they ran these tables based upon a \$400-million-a-year increase in title I. As the chairman of the Appropriations Subcommittee that funds this program, I can tell you right now, unless somebody comes up with some magic money someplace, we are not going to have that kind of money. We will be lucky to get the average of the \$275 million that we have gotten over the last 5 years.

So we tried to do two things with title I: target our scarce resources to areas where they have a high concentration of eligible children, but then also to be fair to rural States such as Iowa where we may not have high concentrations but we certainly do have needy children, children in poverty, title I eligible children, but they may be in small towns and communities scattered around the States and thus the formula does address that.

Mr. HARKIN. I thank the Chairman, and I commend him again for his work on this important legislation, and in particular this provision. The problems of youth violence and drug abuse are no longer contained within urban school districts, and are rapidly spreading to suburban and rural communities. By making a program available for statewide distribution, we can better ensure that each student in a State will be reached by a program, and that students throughout the State will receive the same messages.

I was extremely impressed by Jonathan Kozol's "Savage Inequalities," and I know the Senator from Utah has also done considerable research on school equalization. Is it

his view that the concept of equalizing resources among school districts as public policy is supported by experts in the field?

Mr. HATCH. The Senator from Iowa is correct. The literature in the education field is loaded with recent articles suggesting that equalization is an important means of addressing inequalities. In a statement I gave on July 28, 1994, I outlined the reasons, which are supported by the literature in the education field, why I support equalization as a sound policy.

Mr. HARKIN. Does the Senator from Utah therefore support effort and equity as factors in determining the allocation of title I money?

Mr. HATCH. Yes, I do, provided that it is not mandatory. If effort and equity were factors driving education dollars, states would be encouraged to take steps toward equity on their own. Education is primarily a state and local responsibility to begin with. The equity factor included in this authorization, unlike the State per pupil expenditure—which I believe is an extremely poor and terribly unfair measure of effort—can benefit a State even if its needs are great and its tax base is small. This is because an equalization incentive is based not on how much a State has, but on how it distributes what it has. I confess that in many areas of public policy I do not favor such an approach. In many areas, I believe this type of allocation destroys incentives to work hard and to do more that contributes to our economy overall.

But, education is a legitimate function of State and local governments. We do not need to be concerned with hindering private sector incentives. Educational equalization—based on a plan developed by the State itself—should be encouraged.

Some of our colleagues have expressed concern regarding the equity factor. Does the Senator from Iowa believe that the equalization of resources within a State is inherently consistent with the premise of the title I program?

Mr. HARKIN. I would respond to the Senator from Utah that yes, I believe the equalization of resources is consistent with the premise of the title I program which is to give disadvantaged students additional help by directing supplemental resources to them. If federal resources are not supplementary, then States have absolutely no incentive to deal effectively with education financing problems in their own States. The Federal Government should not subsidize this kind of inaction.

Mr. HATCH. I agree with the distinguished Senator from Iowa. Many States have recognized the need to more fairly redistribute their resources. I am very proud that Utah has been a leader in just about every aspect of education—achievement, graduation rates, school finance. Utahans long ago developed a workable plan for school equalization. It is working in our State.

I believe the title I formula should reward real effort and real progress toward serving every child in a State equally.

I obviously would have preferred that the effort and equity provisions that were included as an integral part of the Senate-passed title I formula. However, it was the final decision of this conference to include these factors in the title I formula but to include them as a separate authorization that is, based on the Senate-passed version of the bill. This, I believe, is a step in the right direction.

I hope that this will not be a hollow authorization, that is, one with no money. While I do not want to put my colleague from Iowa on the spot because I know he is as committed to this idea as I am, I wonder if he would comment on this last point? He

is in a position of some influence on that subcommittee.

Mr. HARKIN. The Senator from Utah is correct. I share his commitment to education finance reform and I favor the establishment of this effort and equity incentive in title I of ESEA.

The Senator from Utah mentioned that he was proud of the efforts his State has made to equalize resources among schools. The State of Iowa revamped its State aid formula to equalize funding in the 1970's. I am equally proud of efforts in my State to provide a quality education for all students.

I will do what I can as chairman of the Labor, Health, and Human Services Appropriations Subcommittee to support this new authorization.

Mr. HATCH. I thank my colleague from Iowa for his analysis and support.

Mr. HATCH. I am pleased to point out that 30 States, plus Puerto Rico, would increase their title I allocations under my amendment relative to their allocations under the formula in S. 2. A number of these beneficiaries are States with high poverty districts.

Moreover, as my colleagues will note, my amendment holds states harmless for funds going out under the remaining title I part A formula. Additionally, my amendment allows school districts affected by census changes to retain 95 percent of their FY 98 funds.

One of my priorities in crafting this amendment was to improve title I while preventing huge shifts in the allocation amounts. Of those States which would currently stand to lose under my amendment, only one state loses 7 percent of their allocation, 4 States lose an average of about 5 percent of their allocation, 7 States lose about 3 percent of their allocation and 8 States lose under 1.3 percent of their allocation.

I reiterate that I have worked to adjust my proposal so that it not only captures the benefits of including effort and equity in the formula but also so that the minority of states who would currently lose under these factors would lose as little as possible.

Again, I hasten to add that States can change their own circumstances under my amendment. If States wish to access more Federal title I money, they can take steps to increase their effort and their equity. My amendment provides a degree of control for States.

States can, and many have already, adopted financing systems to equalize resources among districts. States have chosen a variety of equalization systems of their own design. A fair equalization factor will promote "bottom up" education reform that will help all kids make progress towards achieving the national goals.

Real education reform must take place at the grassroots level. A series of edicts issued from Washington, D.C. is not going to improve education for Americans. State and local education agencies must take on this challenge. But, the Federal Government should help—and at least not plant obstacles in the way which cannot be overcome.

The degree to which a State equalizes funding for education is a factor that a

State can control. A State that equalizes is a state that will benefit under a this improved title I formula.

Also, equalization is a factor that can be quantified. So much of what the Congress is asking the State and local education agencies to do requires a judgment based a series of qualitative analyses. An equalization factor does not rely on subjective determinations.

An equalization factor does not rely on mandates or guidelines for how a State should achieve equalization. I, for one, would oppose a measure that specified how a state was to engage in equalization. On the contrary, I believe States are perfectly capable of figuring this out for themselves.

S. 2 is a good bill. It was thoughtfully prepared, appropriately amended, and now after many days, is being thoroughly debated. I think my amendment improves this bill. I sincerely believe that this amendment will help needy schools make important improvements in education for all children. I urge the Senate to support my amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before the Senator from Utah leaves the floor, I thank him for his discussion of his amendment. I was listening carefully to his discussion, and his focus on providing States incentives for moving toward equity and his focus on what Jonathan Kozol calls savage inequalities and the tremendous disparity of resources, depending on the wealth of the community in which a child lives, is right on the mark.

I thank the Senator from Utah for his words.

Mr. HATCH. Mr. President, I notice probably one of the wealthiest States in the Union, Connecticut, gets more money per pupil than any other State, and it does not even need the money. What about these States that do? I hate to call it a stupid formula because it is in an education bill, but it is really a dumb, stupid formula, and it ought to be changed. I thank my colleague for his kind remarks.

Mr. KENNEDY. Will the Senator yield for the purpose of a question?

Mr. HATCH. I will be glad to.

Mr. WELLSTONE. Senator KENNEDY wants to ask the Senator from Utah a question, and then I will regain the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As I understand it, the Senator from Utah said 48 percent of the paperwork done by teachers and principals is mandated by the Federal Government.

Mr. HATCH. That is correct. That is in the neighborhood. That is what I have been led to believe.

Mr. KENNEDY. This was a 1990 study done by the Ohio General Assembly Legislative Office, Education Oversight of Public Schools reporting requirements. That study attributed only 20 percent of paperwork requirements to the

Federal Government. If the Senator will be good enough to put in the RECORD the authority for that, I am going to put in the RECORD the authority rebutting that, and we will let the Members look at it.

Mr. HATCH. I will be happy to do that, and also it may be more than 50 percent. All I can say is, all I get is complaints from the State and local people that they are being overrun with paperwork that seems silly and nonproductive.

Mr. KENNEDY. I think it is worthwhile to know the authority for these allegations. I think it is important. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Since part of the remarks by the Senator from Utah dealt with the equity question, I just want to add to the RECORD a quote from John Powell, who is director of the Institute on Race and Poverty in Minnesota:

When low-income children are segregated into schools that are predominantly poor, the students confront not only their own individual poverty, but the effects of concentrated poverty on the school system itself. This combination often results in more drop-outs and teenage pregnancies, lack of parental involvement, inability to pay for books, lack of role models, and inability to afford college.

It goes on to say:

Teachers and staff in racially segregated and high poverty schools are too often overwhelmed by student needs.

Let me take my remarks in a couple of different directions.

I want to first talk about a meeting I had with the National Alliance of Black School Educators who were here last week. I had a chance to drop by and not talk at them but talk with them.

Since the Senator from Utah was talking about the whole question of equity, or lack of equity, let me, right away, say to colleagues that I really hope we go forward with this debate. Sometime later on in the debate, I am going to come out on the floor and talk about it and have some amendments speaking to this question. It is the question of the reliance on high-stakes testing—the single measurement of standardized tests to determine whether or not children go from third grade to fourth grade, from eighth grade to ninth grade, whether they graduate, what grouping they are in.

I just want to point something out since Senator HATCH talked about this. We ought to make sure we meet the opportunity-to-learn standard if we are going to be implementing these tests. In other words, we had better make sure we do not hold children responsible for our failure to adequately invest in their achievement and in their future.

If we just focus on tests and then flunk students who do not pass the tests, and we do not do what we should do both at the Federal level and, I say to my colleague from Arkansas, the

State and school district level combined, to get the resources so that each one of these children has the same chance to pass these tests, and to succeed, then, frankly, I think reliance on these tests alone is punitive. So you need to do it both ways. Yes, you need to have standards, but you also need to make sure every child has the same opportunity to meet those standards.

I will say one other thing about the tests. I will have an amendment that says these tests ought to meet professional standards. We want to make sure they are implemented in the right way. I will have an amendment that says we need to take into account especially learning disabilities, which I think is the law of the land. I think we ought to make that clear in this bill. We ought to speak to those students who have a limited proficiency in English as well.

More than anything, I want to talk a little bit about this opportunity-to-learn standard that I do not think we are meeting. I think it is so key to the whole discussion. I think it is key to what John Powell has said. I think it is key to what other Senators have said as well. I think it is key, actually, to at least part of what the Senator from Utah, Mr. HATCH, was saying as well.

We are out here debating this bill, and we should. In a moment I am about to, one more time, say where I think the Republican bill is deeply flawed and why I am so disappointed in it. But for a moment I would like to just talk about the budget implications.

I do not know whether we are spending 1 percent of the Federal budget—someone can help me—or thereabouts on education altogether. Does that sound right? Is it 1 percent of the overall Federal budget on education? It is 2 percent.

I argue that key to our national security is whether or not we are going to adequately invest in the skills and character of the children. I argue that key to our national security is not so many more bombs and missiles and more money spent on the Pentagon; the key to our national security is the security of local communities. I think that is what matters first and foremost.

The key to security for local communities is good housing, reducing violence, and having decent health care. But I think most importantly, the key to our national security is the security of local communities. And the security of local communities means we have a commitment to education second to no other nation in the world so that every child—every single child—is full of hope, and every child has dreams, and every child can do well.

I tell you, I think 2 percent of the Federal budget spent on education is pathetic. I know the Senator from Vermont agrees because he has been one of the Senators who has been most vocal in saying we ought to get our priorities straight and we ought to be allocating more resources.

We are going to debate how we allocate those resources to States and local school districts. That is the debate on this bill. I will speak just for a few minutes. I said to my colleague from Arkansas I would not take more than 20 minutes altogether, and I will not.

But I think the larger question is, Why in the world are we not allocating more of our Federal budget to education? Why aren't we getting more of the resources back to the school districts, whether it be for the IDEA program, kids with special needs—boy, that would help our school districts—whether it be moving beyond just 30 percent funding for title I; whether it be a real investment in affordable child care, prekindergarten, so kids come to school ready to learn; whether it be some money we can leverage. Senator HARKIN has that amendment that will enable school districts to have more funding to put into rebuilding crumbling schools, you name it.

I am just amazed that with a booming economy and the country doing so well economically, we in the Congress, in the Senate, cannot invest more than 2 percent of our overall budget in our children's education. They are 100 percent of our future. I do not know how in the world any Senator believes, on a tin cup budget, we are going to be able to make the kind of investment we should be making. That is my first point.

My second point is—Senator KENNEDY spoke about this. My guess is we will get a different point of view from some other Senators in just a moment—I think the fundamental flaw of S. 2 is the abandonment of a commitment we made over 30 years ago as a nation that we would have some basic national standards, some basic protection, to make sure the poorest children in this country, the most vulnerable children in this country, would be well served or at least would be served. We do not serve them well, but at least to make sure that for the homeless children and the migrant children there would be programs that would speak to the needs and circumstances of their lives, that we would target title I money to the neediest and poorest and most vulnerable children.

Do you know what. I sometimes think Senators are taking this too personally because it is not necessarily an attack on my State or an attack on the State of Arkansas or an attack on the State of Vermont; it is just a matter of philosophy.

Over three decades ago, we made a commitment that the Federal Government, representing the national community, with certain core values, would make sure we provide some programs that really speak to the most vulnerable children, that we are not going to abandon those children.

I said it last week; I will say it one more time. My colleagues keep talking about change, change, change. I do not think it is a great step forward. I think

it is a great leap backward. That is why many of us oppose it. That is why I think the President opposes it. That is why I think we have started out on the wrong foot.

Going further than that—and this will be the last part of what I want to say; I will just divide it in two quick parts—one, I say to Senator LOTT and others, I look forward to having a chance to bring amendments out here. I want to have some amendments that speak to the discriminatory effect of the standardized testing. I want to have some amendments that provide support for children who witness violence at home and, therefore, cannot do well in school.

I want to have an amendment that provides for more counselors in our schools. In some ways, I cannot think of a more important amendment. Right now, we have a ratio of 1 counselor for every 1,000 students, or thereabouts, in the country.

I want to have an amendment that speaks directly to the challenges of urban education. Some of my colleagues have put back language that deals with the special challenges of rural education, which I also think is a real challenge, but I also want to put a focus on urban education as well.

As someone who was a teacher at the college level—but, boy, I will tell you, I came to respect teaching at the high school and middle school level; I think sometimes even more at the elementary level, and the pre-K level even more so, as well—I am interested in anything and everything that leads to better teacher quality, with the proviso that we understand there are many really fine teachers right now in the country.

I said this last week, but I will say it again, too.

I don't mind holding everybody accountable if we do it in the right way. But I also think that some of the people who bash public school teachers couldn't last an hour in the classrooms which they condemn. I think we have to be very careful in how we do it.

The other thing I want to mention beyond my amendment is to say one more time to other Senators that I think there are some amendments we have introduced and we will be introducing that certainly speak to many of the meetings I have had with people in Minnesota.

I have been ready for this bill to come to the floor for almost 2 years.

I think all together in our State of Minnesota—between myself and staff—we had meetings with close to 100 different school districts. It is incredible. We have been all over the State. People were genuinely excited about this bill. They know that most of the money for K through 12 is at the State level. They

know that. But people have been very interested in how we can provide more incentives for more teachers. They are very interested in the whole question of what we can do about the needs of physical infrastructure. They are very interested in trying to get more counselors in our schools. They are very interested in the sense of getting more young people interested in education. They are very interested in what we did do in prekindergarten. They think that would make a huge difference. They are very interested in afterschool programs. They are very interested in reducing class size.

Frankly, the Republican bill on the floor speaks to very little of that—not directly. It assumes with sort of a blank check that it will all happen.

I say to my colleagues in the majority that you have not invested nearly enough money in your budget, nor will it be in the appropriations bill. We have too many speeches given about the importance of children, but we are not matching the rhetoric with the resources.

The second thing I say to my colleagues is in terms of how you allocate the money. I think it is not a big step forward. I think it is a great leap backward from the kind of commitment we have made to all of the children in the country, including the most vulnerable children and the poorest children in this country.

Third, and finally, there should be some decisive priorities in this bill. I have tried to outline some of those priorities. I don't see it.

We will move forward this week, next week, and I hope the next week as well. Maybe in 2 more weeks we will have amendments, votes, and see where we wind up.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as we continue to debate the Elementary and Secondary Education Act, and the Educational Opportunities Act, there are fundamental fault lines and differences between the Democrats and the Republicans on this very critical and very important issue for this country and for our children.

I noticed when Senator WELLSTONE spoke that he said the Republicans just keep saying change, change, change. I plead guilty to that. We are saying change. That is one of the very clear lines in this debate between those who are defending the status quo—defending the old system, defending the old model, who are saying create more programs, who are saying pour more money into the old programs and the same models—and those of us who say, yes, let's fund education adequately. Yes, let's increase our appropriations

for education. But let's make certain that we are using that money efficiently and effectively. If the old model isn't working, it is time that we try something new.

That is the fundamental fault line in the debate that has gone on in the Senate for the last week and will continue for the next few days.

I have to say that I believe there has been a lot of misinformation about the Educational Opportunities Act that has been put forth on the floor of the Senate. I understand that change is difficult and change is discomforting. There are those who are going to recoil at the thought that we might try something different. But there have been, in the arguments put forward by the other side, several themes that have recurred.

They said title I has enhanced academic achievement. That has been one of the things they have argued consistently.

They said the status quo somehow guarantees student achievement.

They said parental control is something to be feared.

They said the contents of the Educational Opportunities Act contain no accountability safeguards.

I would like to, in their own words, go through those arguments and rebut them one by one in the few minutes that I have on the floor.

First of all, Senator KENNEDY made, I think, one of the clear statements last week when he said, "We want to support tried and tested programs that have worked."

The question that I have raised over and over again is, How has title I worked? How has title I been so successful that we want to continue it as it has been, and as Senator KENNEDY suggests we should continue it?

After 35 years and \$120 billion has been expended, we have seen no closing of the achievement gap.

The original purpose of title I was that we would see those disadvantaged students improve, we would see their academic performance elevated, and we would see the gap between the advantaged and the disadvantaged closed. After 35 years, any objective assessment of what we have done would have to say we have failed.

That is why it is so amazing to me to hear my colleagues and friends on the other side of the aisle stand and say: We want to support tried and tested programs that have worked.

If they had worked, this debate wouldn't be going on. We would be delighted to be supporting the status quo. But the status quo has failed America's children.

Instead of letting States have flexibility under

Straight A's, requiring improvements in student achievement, the Democrats would rather leave disadvantaged children the same programs they have had for the last 35 years.

Senator KENNEDY speaks movingly, and I know sincerely, about the homeless, the migrant children, and the immigrant children, saying that they are the ones who are going to be hurt most under the Educational Opportunities Act—the homeless, the migrants, and the immigrant children are the big losers.

I would suggest just the opposite is the case; that they have been the big losers in a system that continues to fund a broken system, a broken program; that for the first time under Straight A's we will require test scores to be disaggregated and broken down on the basis of those who are disadvantaged and those who are advantaged based upon their backgrounds and economic backgrounds so that we will be able to see clearly whether or not the educational curriculum, the textbooks, and the programs being utilized in a local school district are working for the least advantaged and the most vulnerable in our society. These homeless children, migrants, and immigrant children, to whom all of our hearts go out, are the ones who have been left behind under the status quo.

Of course, Senator KENNEDY said, "We want to support tried and tested programs that have worked," even though 35 years of these programs has demonstrated they have not worked.

He said that block grants—he always likes to use that loaded term, "block grants"—have no accountability.

And then he uses the term "blank check." This is a "blank check."

I suggest that trying to compare the Educational Opportunities Act with any of the old block grant experiments of the past is as if to compare apples and oranges. It is a total mismatch. It is an unfair comparison.

These are exactly and precisely, word for word, the same arguments we heard against welfare reform. Welfare reform was block grants with no accountability. Welfare reform was a blank check to the Governors: You can't trust the Governors—the same rhetoric that we heard for the last week.

If you compare block grants, the Educational Opportunities Act has more accountability than any of the existing title I programs or any of the existing Elementary and Secondary Education Act programs because we require the testing. We require the States to say what they are going to do and how they are going to do it and then demonstrate that they, in fact, have done it. That is what has been lacking under the existing program.

As Senator KENNEDY said, "We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No."

I can't reach his volume level when he said, "No."

But he said, "We are going to insist that there will be incentives and disincentives for performance. That is what we do."

Throughout this debate we have heard, "We don't trust the Governors. You can't trust the Governors."

I remind my distinguished colleagues that the same people who elected us to the Senate elected those Governors to serve the same people. They are every bit as accountable to their constituents as we are accountable to our constituents. Yet it has been a recurring theme: Do not trust the State; Do not trust the Governors; They won't have the most vulnerable in their States in their concerns and in the programs that they put forward.

I reject that. Then he said, "We are going to downsize." He said, "We are going to insist that there will be incentives and disincentives for performance."

Where in the Democratic proposal are there incentives and disincentives? Their proposals are for new teachers and for school construction and contain no requirements that student achievement must increase—none.

If we want to talk about incentives for performance, and if we want to talk about disincentives, look at what the Republicans have proposed in our Straight A's plan and in our performance contracts and agreements because in that you find real requirements concerning student achievements and student elevation in academic performance.

Then Senator KENNEDY said, "Under Straight A's, the State could demonstrate statewide overall progress based on progress being made by wealthier communities, while a lack of progress in disadvantaged communities remains statistically hidden."

The irony of that criticism of the Republican bill is that is what can happen under the current system where the performance of the disadvantaged is hidden by aggregating the scores and concealing those who are supposed to be targeted—those children we are supposed to be helping the most—concealing those in the overall scores.

I think this is a very misleading charge against the Republican proposal.

Straight A's requires each participating State and local school to report data by each major racial and ethnic group, gender, English proficiency, status, migrant status, and by economically disadvantaged student as compared to students who are not economically disadvantaged.

That language in our bill prevents what Senator KENNEDY expressed from ever taking place. In fact, we are going to know much more about whether we are really helping the disadvantaged under the Straight A's proposal.

Then Senator KENNEDY said this last week: "We are still finding out that of the more than 50,000 teachers who were hired this past year, the majority of those serving in high-poverty areas are not fully qualified."

I will accept Senator KENNEDY's statement as being accurate. But it raises in my mind this question: Why then are Democrats proposing their Class Size Reduction Program if in fact it has led to the hiring of unqualified teachers?

The evidence is that as much as we would all like to see school class sizes reduced, and while that is a desirable goal, one of the unintended con-

sequences in Class Size Reduction Programs around the Nation has been that it has resulted in unqualified teachers filling slots that have been opened up, and those who have been harmed the most are those who are in schools with a high percentage of disadvantaged students. That is the tragedy of it. That is acknowledged by Senator KENNEDY's statement.

He has repeatedly said only 7 percent of the funds come from the Federal Government. Then he suggests, because it is a relatively small portion of the local school districts' funding base and their budget, we cannot expect whatever we do up here will have too much of an impact upon local school policy.

If, in fact, our influence over local schools and the States were proportionate to our funding about 7 percent, I would not be too concerned, either. The reality is, though, we provide only 7 percent of the funding; we provide a much higher level of the mandates under which the local schools are laboring. It has been estimated we provide 50 percent of the paperwork that is required of the local schoolteachers for the 7 percent of funding.

To diminish the importance of the debate because it is only 7 percent of the funding misses the point. The State of Florida takes six times as many personnel to implement a Federal education dollar as it takes to implement a State education dollar. I suspect that figure is typical across the Nation.

Senator MURRAY made this statement regarding the Abraham teacher testing and merit pay amendment:

It requires testing, and there is no money. That money will have to come from somewhere in the districts. The districts will not have the money, and likely they will require the teachers themselves to pay for it. That has been the practice in the past.

First, the Abraham amendment only made teacher testing and merit pay an option. They are in no way required to implement it.

Speaking of unfunded mandates on the districts, what about the class size reduction mandate? What happens at the end of that program? I have raised that concern. When the authorization for the Class Size Reduction Program ends, don't the schools then have to pick up the tab for a program that they did not start?

Senator DODD made this comment last week about the Abraham teacher testing merit pay amendment which added teacher testing and merit pay to the list of optional uses of funds. Senator DODD said:

What works best is a decision that ought to be left to the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

It takes my breath away. Amazing. Since the Democrats' proposal for teachers mandates separate funding streams, they mandate separate funding streams for professional development, alternative certification, teacher

recruitment, and mentoring, separate funding for all of those, school districts must do each of these or they don't get any of their funding. Our proposal only adds teacher testing and merit pay to a list of allowable uses of funds. It is absolutely consistent with our belief in local control. It is an option. If we ought to leave this up to the local government, as Senator DODD says, then why does the Democratic proposal provide repeated mandates on how to spend the money?

Senator KENNEDY also said in the debate last week in his continual theme that the Republican bill lacks accountability:

We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can.

I remind my colleagues of the one single example I left before the Senate that I think is illustrative of the problem and the current system and lack of accountability in the current system: Holly Grove. Or think in your mind's eye of the pictures of treadmills, Nautilus equipment, StairMasters, and \$239,000 in a Federal grant that could not be spent for computers, for textbooks, for renovating a falling down building, a dilapidated school building, could not be spent in those ways, but could be spent on expensive exercise equipment when what was needed was improving the school facility.

Senator KENNEDY would dare to say that the current system provides accountability. I suggest when we tell the Governors they have to sign a contract with the Federal Department of Education to state what they are going to do, how they are going to do it, how they will accomplish it, when they will achieve it, require testing the students, require breaking down the test scores and show how every subgroup is performing and whether, in fact, the gap is being closed, I suggest that is far greater accountability than the current system of categorical agreements that can be misused and used in inappropriate ways.

Senator KENNEDY said last week:

I hope our friends on the other side of the aisle are going to spare us a lot of discussion about local control and parental involvement because it just isn't there, it just isn't there.

We are not going to spare you; we are going to continue to talk about local control. We will continue to talk about parental involvement. That is the key to education in the country and the key to making significant and meaningful education reforms.

When Senator KENNEDY says it just isn't there, first of all, there have been a number of speakers, and I will allude to their statements later, who acknowledged parental control is at the core of the Republican bill. Aside from that, I simply point out two things. The portability provisions provide the ultimate in parental control. If parents

are unhappy with the services the school is providing their child with Federal money, they can use that Federal money to improve their child's education in the way they best see fit. That is very consistent with parental control.

I also point out the provisional public school choice where a failing school that has been deemed failing, failing and failing, given years of opportunity to improve and they still don't improve, there is an exit, a way out. No disadvantaged child ought to be locked to a failing school and consigned forever throughout their educational experience to a school that is failing them. They shouldn't be required to do that. We show them a way out.

I quote Senator MURRAY from last week:

I am looking at language of the bill. It says . . . that a parent directs that the services be provided through a tutorial assistance provider. It is not directed by the school but is directed by the parent. I think that is one of the underlying flaws and concerns that we have . . . frankly, the parent is in control.

I wish I had another chart showing Senator KENNEDY saying that the parental involvement is not there. Senator MURRAY said, ". . . frankly, the parent is in control," under the Republican plan.

Senator MURRAY is right. That is not bad. That is not something to fear, the fact that we increase parental involvement. Since when did parental control become a bad thing? It is part of the problem, that parents have too few choices when their child is forced to remain in a failing school.

I have heard repeatedly, and I am paraphrasing, but this has been the message from the other side: We don't trust the Governors; we don't trust the local educators; we don't trust the parents. We just trust ourselves. We can make the decisions. We are the 100 Members of Senate, the super school board for America. Let us make the decisions; let us prescribe the formulas.

That is what we have done for 35 years. If we want to stick with that formula, that failed formula, then the status quo is the way to go on and the Democratic counterproposal is the way to go. I think America says no. Our children deserve better, American families deserve better, and we can do better by American education under the Educational Opportunities Act.

I commend Senator REID last week with one last quote from the other side of the aisle. Senator REID, the assistant minority leader, said:

One of the things I have tried to do following the direction of the minority leader, in consultation with the majority leader, is to keep this debate on this education bill on education. We have worked very hard to keep other matters off this bill, Patient's Bill of Rights, prescription drug and minimum wage.

I commend Senator REID. I think that is the right approach. I am pleased we went through the first week of this debate without having extraneous

amendments, nongermane amendments. I hope that will continue to be the case as we go through this second week of the most important debate we will have in the Senate during this Congress.

Rather than kill the pending education bill by offering irrelevant amendments, I ask my colleagues to complete the work we have been so successful debating for the past week. We have the chance to help millions of American students overcome illiteracy, to cite U.S. history, to master basic mathematical skills. Let's do our jobs and not fail these kids. Let's not put politics above American education and student achievement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that all pending amendments be temporarily laid aside, and it be in order for Senator Collins to call up her amendment, re: Straight A's, which is filed, amendment No. 3104.

I further ask unanimous consent that there be up to 10 minutes for debate on the Collins amendment, to be equally divided in the usual form, and following the use or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table, and the Senate resume the pending question, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 3104

(Purpose: To modify the list of eligible programs that may be subject to a performance partnership agreement)

Ms. COLLINS. Mr. President, I call up amendment No. 3104, which is pending at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3104.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 657, strike lines 6 through 8.

Ms. COLLINS. Mr. President, let me express my very sincere appreciation to the chairman of the committee and the ranking minority member for their cooperation in accommodating my amendment this evening. I am very grateful for their efforts.

My amendment is very straightforward. It simply removes the Perkins Act from the programs listed under the Straight A's proposal that is in this legislation.

I am a strong supporter of the Straight A's approach, but the Perkins Act simply does not belong in Straight A's, and I believe it was probably included as an oversight. There are three

reasons why the Perkins Act should be separated from Straight A's.

First of all, the Perkins Act, which funds vocational education, is simply not part of the Elementary and Secondary Education Act. It is not part of the programs that we are reauthorizing. In Maine, and in many other States, secondary vocational education is operated on a parallel, independent system. In Maine, there are even restrictions on the ability of an academic high school to offer vocational education. Moreover, the Perkins Act and the ESEA have very different specific objectives, and they are not easily merged together.

The second reason is the Perkins Act authorizes programs at both the secondary and the postsecondary levels. Each State decides how to allocate its Perkins grant. In fact, 56 percent of Perkins funds go for postsecondary education, and in at least one State, all of the Perkins funds are used for postsecondary education.

In my State, the funds are allocated equally to secondary and postsecondary education, with the requirement that vocational high schools and technical colleges allocate 30 percent of their funding to training programs operated by the Maine adult education system.

The third reason is the Perkins Act was written to be part of the national workforce development efforts and is designed to coordinate it with provisions of the Workforce Investment Act, which the Senate successfully passed in 1998. If we pull out the Perkins Act funding, we will allow the intentions of Congress in redesigning the Workforce Investment Act to go forward.

In short, the Perkins Act does not belong in this legislation. It makes sense for us to take out the Perkins Act from the list of programs under Straight A's. It is not part of the ESEA, and as it is used, at least 56 percent of the funds under the Perkins Act do not go to secondary schools but, rather, to postsecondary schools.

I thank the chairman and ranking minority member for their cooperation in this effort and particularly for accommodating this amendment this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the good Senator from Maine and our chairman of the committee for urging the Senate to accept this amendment. I join with her in making that recommendation.

In 1998, with the reauthorization of the Perkins Act, we made improvements in the coordination of vocational education, adult education and job training. We did this in a bipartisan way with Senator JEFFORDS and Senator DEWINE. We took valuable lessons that we learned from the school-to-work program, emphasizing the importance of partnerships between education and business.

Unfortunately, the school-to-work legislation is not being considered for reauthorization. I hope that my colleague will work with me to make sure this important program finds a way to exist in ESEA.

What we have found is the importance of integrating academic skills with state of the art career and technical skills. Every child should graduate from high school with the academic credentials necessary to give him or her a wide variety of career choices within a given industry. Children should be able to choose to go on to post-secondary education or directly enter the workforce, with a competitive edge. So there have been, as she pointed out, very important and significant changes in these vocational and professional schools. I think we are at a place where they are offering great opportunities for young people in an economic climate of higher academic challenge and higher skill challenge. I think the value of her amendment is it is going to complete the process rather than undermine it, which I think was one of the principal dangers of having it as a block grant.

I thank the Senator. We in Massachusetts, as in Maine, as in other States in New England, place a very high value on these training programs and academic programs. They have been a lifeline to many of our communities and to our economy over a very long period of time. Nothing is more dramatic of an example than the ability to channel our career and vocational education students directly into high skill, high wage jobs in industry. They are enormously important and they do good work and their work will be enhanced because of the Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join in commending the Senator from Maine for this amendment. It certainly removes a serious problem I had in the bill. We have removed that from the bill, and it will be very helpful in making sure our vocational education programs can do the best possible for our young people. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my two colleagues for their kind comments and for agreeing to accept this amendment. I think it is very important to the future of vocational education, which, as the Senator from Massachusetts points out, is so important to so many students and so many adults in this country, and particularly in our section of the country, in New England.

With that, I yield the remainder of my time and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield the remainder of our time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3104) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I think we are close to concluding this evening's presentation. I just told the Senator from Massachusetts I think Senator GORTON has a comment or two to make. He should be here shortly.

There is some effort underway to have a vote on the Gregg amendment tomorrow between, say, noon and 2:15, if this is ultimately agreed to on both sides. The Lieberman amendment, it is hoped, could be voted on in the same timeframe, but we do not know that yet. There are some negotiations on the other side. This should clarify itself in the early evening here.

I thought I would take just a moment, while we are waiting for Senator GORTON, to talk about the amendment for which we are next going to vote, and that is the Lott-Gregg amendment, the Teachers Bill of Rights, and of which the ranking member on the committee, Senator KENNEDY of Massachusetts, has indicated there will be broad acceptance, even though it will be a rollcall vote.

The amendment amends title II of S. 2 to ensure that States and local communities are able to use their portion of the \$2 billion to hire highly qualified teachers to address the teacher quality shortage facing this country. It adds a strong accountability component. School districts must show they have increased student achievement with the percentage of classes in core academic subjects that are taught by highly qualified teachers. It authorizes a new, up to \$350 million recruitment program. This language was inserted by Senator KAY BAILEY HUTCHISON of Texas, Senator FRIST of Tennessee, and Senator CRAPO of Idaho. It encourages midcareer professionals and outstanding college graduates to take teaching positions in tiny public schools and rural schools.

It includes the language I discussed at some length earlier this afternoon to protect teachers from frivolous lawsuits so they are not inhibited from doing the job they are supposed to do in school, that is, if they see a problem they avoid it or are silent about it because they are afraid they are going to be the subject, as I said, of a frivolous lawsuit.

This is a brief overview of the Teachers' Bill of Rights, the Teacher Empowerment Act as it has been referred to in the past. It authorizes \$2 billion a year for States and local districts to enable them to develop a rigorous, professional development program. Federal dollars can only be used on professional development programs that increase teacher knowledge and are directly related to the curriculum and

subject area in which the teacher provides instruction.

It enables them to retain, recruit, train, and hire highly qualified teachers and to hire teachers to reduce class size, which has, of course, been a goal of the other side of the aisle, and the President. It enables them to assist innovative teacher reforms aimed at increasing teacher quality, including mentoring and master teachers. The Senator from Massachusetts talked about mentoring earlier today. Studies and teacher polls have found that hiring master teachers who mentor new teachers improves both teacher quality and the likelihood that new teachers will stay and thrive at the school.

It enables them to provide merit pay and teacher testing and alternative certification programs. These are programs that provide opportunities for experienced professionals from other fields to enter teaching. It enables them to provide teacher opportunity payments, funds that go directly to teachers so they can choose their own professional development. Teachers could select to use their payment at a university that has a reputation for intensive professional development programs in math and science.

It incorporates the language of Senator GREGG of New Hampshire dealing with teacher quality provisions that are included in this amendment, including addressing teacher shortages. Due to rising enrollments, many school districts are having difficulty filling hundreds of teacher slots, and of those teachers already in the classroom, many lack the skills and knowledge to be effective teachers. Earlier, Senator KENNEDY had very interesting data that demonstrates this problem. The amendment clarifies that States and school districts are permitted to not only use the money to hire teachers to reduce class size but to also use the money to hire teachers to address the shortage of high-quality teachers. If a school district wishes to use these dollars to hire a teacher, they should have the freedom to hire teachers to reduce their class size or to address the shortage of high-quality teachers.

It includes compulsory language relating to class size, which exacerbates the shortage of high-quality teachers, in our view.

Requiring smaller class sizes would only exacerbate the teacher shortage because it forces school districts to hire more teachers when they are already having enough trouble hiring teachers for the classes they already offer.

During the next decade, enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers, obviously. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

That reminds me, during the debate on the education savings account,

which was a tool this Congress passed at least two or three times and is yet to get past the President—but during that debate, Senator BYRD of West Virginia came to the floor. He ultimately supported the education savings account. He said—and I am paraphrasing it; I hope I am correct; Senator BYRD is pretty much a stickler for being correct—but he indicated he voted historically for all the funding measures over the last 30 years and he was not all that happy with what has happened and he was ready to try some new ideas.

The telling thing about his commentary to the Senate that day, in my judgment, was to describe where he went to school. I do not believe anybody would argue Senator BYRD is among the most capable, intellectual in the Senate. When he took us back to his schoolroom, it was a remarkable story.

He was educated in a one-room school for much of his early training. It had no heat and no air-conditioning. The plumbing was outside. It had a bucket of water which was the potable water—that was the drinking water—and a ladle. Yet that environment produced one of the most competent, intellectual Members of the Senate. It is something we should all remember. He obviously had a quality teacher. He was educated in those circumstances and went on to become one of our more famous Members of the Senate.

I repeat that during the next decade enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

Many teachers lack the necessary skills and knowledge to be a high-quality teacher. More than 25 percent of new teachers in our Nation's schools are poorly qualified to teach. Studies have shown the mastery of the subject is the most tangible measure of teacher quality. Many teachers lack either a major or minor in the subject in which they are teaching.

One-third of all secondary school teachers, grades 7 through 12, who teach math have neither a major nor a minor in math or a related field; 25 percent of all secondary school teachers who teach English lack a major or minor in English or a related field; more than half of all physical science teachers did not major or minor in any physical science; and more than half of all history teachers neither majored nor minored in history.

The shortages are even more troubling in inner-city schools where students only have a 50-50 chance of being taught by a quality teacher. In high schools where more than 49 percent of the students qualify for free lunch, which are classified as high-poverty schools, 40 percent of all classes in

those high-poverty schools are taught by underqualified math teachers. In more affluent schools, only 28 percent of the math classes are taught by unqualified math teachers.

I do not think either number is very impressive—the fact that nearly one out of three math classes taught in our more affluent schools can only muster two-thirds of the teachers who have the qualifications to teach the subject and that rises to nearly half in inner-city schools.

Nearly one-third of all English classes in high-poverty schools are taught by underqualified teachers.

The sad fact is that this amendment actually worsens the shortage of high-quality teachers.

I will move on to accountability. The second half of the Gregg provision in this amendment adds a strong accountability piece. The amendment stipulates that States are to monitor the progress of school districts in increasing both student achievement and the number of classes taught by high-quality teachers. If the school district fails to make progress after 3 years, the State is authorized to take control of the teacher dollars and use those funds on rigorous professional development, teacher reforms, such as merit pay, or other teacher initiatives to ensure student achievement increases and the number of high-quality teachers increases.

We do not prescribe a Federal ratio as to how much school districts must spend on recruitment versus how much to spend on professional development. We let States and districts set their own priorities. We do not focus on input measures—how much money is spent on what. Rather, we focus on outcomes and outcomes alone—student achievement and teacher quality. This accountability amendment ensures States and school districts will be held accountable for increasing student achievement and the number of high-quality teachers.

The recruitment provisions include in this amendment a section developed by Senators HUTCHISON of Texas, FRIST of Tennessee, and CRAPO of Idaho, which focuses on the need to recruit excellent teachers from other professions and from among our outstanding college graduates. Recruiting qualified people from other walks of life to enter the teaching profession will dramatically improve the quality of our teaching pool.

I outlined earlier the significant number of teachers teaching outside their subject area in schools throughout our country. The recruitment provisions in this amendment address the serious problem of underqualified teachers by attracting qualified teachers to step in and meet the needs. This amendment gives teacher quality the attention we believe it deserves.

I am pleased the other side of the aisle is amenable to the amendment.

I yield the floor so the Senator from Massachusetts can make his closing remarks, and then I believe we are getting close to coming to an end.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we took a valuable and useful step a few moments ago when we preserved the vocational education legislation outside of the block grant, the basic Perkins program, which affects some 6 million children in the K-12 and some 3 million students in post-secondary programs.

I intend to offer an amendment on teacher quality tomorrow. I have spoken on it this afternoon.

Before this legislation is finished, there will be efforts made by members of our committee to also exclude the block granting of the Migrant Education Program and the homeless programs. I will take a moment to mention what the current situation is with regard to the Migrant Education Program.

The Migrant Education Program provides financial assistance to State educational agencies to establish and improve programs of education for children of migratory farm workers that enable them to meet the same academic standards as other children. To help achieve this objective, program services help migrant children overcome the educational disruption and other problems that result from repeated moves. Program funds also promote coordination of needed services across the States. The most recent data reported by States indicate more than 750,000 migrant children are eligible for services.

The Federal Migrant Education Program is the only ongoing source of support for these highly mobile migrant children. The poverty and mobility, and often limited English proficiency, characteristics of the migrant student population combine to make demands for educational services go well beyond the services traditionally supported under State and local education budgets.

No State currently provides ongoing funding for migrant programs to help these children. We are wiping out the Federal commitment. For example, the Migrant Education Program supports supplementary instruction in core academic subjects, beyond which title I typically provides, often provided outside the regular schoolday and in the summer designed to address the special educational needs of children who move and are out of school frequently.

Without these funds, many highly mobile migrant children may attend school sporadically throughout the year or not attend school at all. Without the funds, the local education groups are unlikely to provide the normal range of services to children who attend their schools for brief periods of time, or go out to find and enroll migrant children outside of normal school

enrollment procedures, or grapple with either the school interruption problems faced by migrant children or their needs for special summer programs.

Without this program, States and the local educational authorities would have little incentive to identify and serve migrant children, who cross school districts and/or State boundaries.

No single local educational agency, and, in many cases, no single State, is responsible for the education of a migrant child. No single local educational agency, and, in many cases, no single State, provides educational services to a migrant child during a single year.

The Migrant Education Program encourages and supports collaborative efforts and interventions across State lines to accommodate the needs of migrant children.

The Migrant Education Program provides support services that link migrant children and their families to community services. For example, during the regular school year, almost half of migrant students receive social work/outreach services, about 30 percent receive guidance and counseling, and almost a fourth receive health services under the Migrant Education Program.

Effectively, the point is that certainly at the national level we are dropping the commitment to try to do something about all of these children.

With regard to the homeless children, nationally there were 625,000 school age children identified as homeless during the 1997-1998 school year. Without separate funding for this national program, it is unlikely that significant numbers of these children and their unique problems will be addressed. They have higher than average rates of poor health, anxiety, depression, withdrawal, delinquency, aggressive behavior, learning disabilities, and suicides. Those problems will not be addressed. Through participation in the existing program, the States are focusing on reducing the barriers homeless children face in enrolling in and attending school on a regular basis.

Because of national leadership, almost all the States have revised their laws. Almost all the States revised their laws, regulations, and policies to improve the access to education for homeless students. Twenty-seven States changed their residency laws or regulations. Otherwise, the children would not be able to be eligible. Almost all State coordinators report either that all the students can enroll without school records—that previously stopped children from being able to participate in the schools—or that they have made special allowances to expedite their record transfers. Thirty-five States eliminated the barriers of immunization and guardianship requirements, otherwise some homeless children would be prohibited from participating in services.

These are enormously vulnerable children. There is absolutely no reason

or justification to eliminate these programs, block grant them, and send them to the States. The States have not responded to this population's unique needs.

In the absence of the homeless program, I think States would not have the resources to employ a State coordinator for homeless children and youth, a position that is responsible for ensuring that homeless children and youth have access to a free, appropriate public education.

Without the homeless program, the local educational authorities that rely on Federal funds to provide services to homeless children would have to find funds in their own operating budgets, which are already overextended, or stop providing supplemental services to these children, who are among the neediest.

Last year, we provided \$29 million for the education of homeless children. That is going to be eliminated. These funds most likely will not be made up by the States. These children are going to be ill served. It is basically and fundamentally wrong. I think we are going to be abdicating our responsibilities if we do not target some resources to what I think has been an effective program.

We have had some hearings on this problem in the past. People have just been extraordinary in how committed and dedicated they have been and how they have stretched scarce resources to make a real difference in children's lives.

We in this body rarely go a day when someone isn't talking about our future being our children and our responsibility to them. We ought to understand what we are doing to the most vulnerable children in our society, the poorest children, the homeless children, the migrant children, the immigrant children, and others in failing to guarantee their protection. I take strong exception. And I will offer an amendment, with others. Others have offered an amendment to restore those programs. I look forward to that. Hopefully, we will have an opportunity to address that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the subject before the Senate this afternoon, and until the vote is taken on it tomorrow, is the Lott-Gregg amendment to the Teacher Empowerment Act section of this bill.

The Teacher Empowerment Act itself is quite significant in a number of ways, primarily in focusing on increased teacher quality across the United States of America but, at the same time, allowing a maximum degree of flexibility in local choices with respect to how that teacher quality is, in fact, enhanced.

It provides a significant amount of money for teacher training that can also be used for increasing the number of teachers, for increasing the competition of those teachers most prized by

our school districts across the country. For with the amendment that is added today—with the recruiting of people in midcareer from other professions, who will be quality teachers of particular subjects—it will provide a degree of protection against frivolous lawsuits when teachers or administrators or school authorities have taken actions that will protect the safety and security of students in classrooms and of the faculty and administration of the schools themselves. We literally have faced the situation in which actions taken in good faith, and for valid reasons, have subjected teachers and administrators to frivolous lawsuits brought by lawyers for highly disruptive and destructive students.

It does seem to me that the specific amendment on which we are going to vote will be effective in providing that kind of protection, providing a modest program to recruit quality people in midcareers into teaching, and to assure that the \$2 billion authorization for teacher quality can be used in a widely significant fashion for increasing the quality of teaching, not only the quantity, though that is there, but the quality of teaching in our public schools.

The accountability, in this case, again, is going to be a student accountability. Are the results positive, from the perspective of student achievement in our schools? In that respect, of course, both the amendment that is before us at the present time and the portion of the bill to which the amendment applies are consistent with the overall philosophy of the bill, a philosophy that is perhaps summarized best by saying that after 35 years of procedural accountability—that is to say, proving that money was used for the precise purposes for which the authorization was directed, with a seeming total indifference to whether or not student achievement improved, a procedural accountability which was satisfied by filling out forms correctly and by having clean audits—now it is to be succeeded by a performance accountability, accountability that says, after all, that we aim our assistance to public education across the United States of America to see to it that our students themselves are better educated; that their test results in the multitude of achievement tests being developed across the United States show actual progress; that this is the accountability we wish; that this is the accountability that is found in Straight A's; that this is the kind of accountability that is found in the Teacher Enhancement Act in this bill; and that this is the goal of these amendments today.

We have a curious debate on the other side, one speaking about the successes of title I, a title with which all the goodwill in the world has not reduced the disparity between its beneficiaries and other students in the extended period of time; a position that says the status quo is to be protected at all costs; and a position that says

parental control and influence over public education is something to be feared.

We on this side of the aisle have every hope that the rather dramatic change from procedural accountability to performance accountability will result in a true improvement in the quality of education being given to our schoolchildren as measured by their actual achievement. That is, in fact, our goal.

Having said that, I should also say there are at least some signs during this second week of debate over the Elementary and Secondary Education Act that we may be able to reach across the political divide and find a way to satisfy a substantial number of members of both parties in a way consistent with the precise goals I have outlined here with the proposition that we need to encourage innovation, that we need to encourage parental involvement, and that we need to provide a degree of trust and confidence in those men and women across the United States who have devoted their lives and their professional careers to the education of our children, together with those who volunteer for the slings and arrows of political campaigns and run for office as school board members—that perhaps all wisdom with respect to education policy does not reside in this body and in the Department of Education down the street; that perhaps those who know our children's names may very well know best what priorities should be funded in 17,000 different school districts with 17,000 different types of challenges across the United States.

The amendment before us at the present time leads us in that direction. The Teachers Enhancement Act that is a part of this bill leads us in that direction. Straight A's leads us in that direction. I hope we will soon have a proposal involving some reason from both sides of the political aisle in this body that will lead us in that direction as well.

At the present time, however, I commend to my colleagues the Lott-Gregg amendment. I think it improves an already very first-rate bill—the product of a tremendous amount of work on the part of the Committee on Health, Education, Labor, and Pensions, one of the best pieces of working proposals in this body and by one of its committees in an extended period of time.

I have a far greater hope today than I did 2 or 3 weeks ago that this body may actually not only begin a debate on education but may conclude a debate on education with a successful vote, and at the very least send this thoughtful bill, slightly amended, to a conference committee, and one hopes from that conference committee to the President of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Washington for his usual eloquence, as well as for

his understanding and perception of the education problems in this country.

I would like to speak about other areas I think are important. We must look closely at these two areas during consideration of this legislation.

We are talking today about the need for improving the quality of teacher education and further improvements in the legislation before us for that purpose. I think we will find that we have reached agreement on that. One of the most critical parts of the equation in improving education is ensuring classrooms are led by quality teachers.

I am a member of the Goals 2000 panel. Here we are already in 2000 and we haven't reached these important education goals. I want to share with you some of the concerns about some of the areas in education where we need improvement, and what we intend to do through amendments to try to move us forward in these most critical education areas.

We received notice in 1983. President Ronald Reagan called on the Secretary of Education to convene a panel to examine the quality of education in our Nation. It was very tersely stated in a phrase that says it all, if a foreign nation had imposed upon us the educational system that we had in the country especially our elementary and secondary education, it would be considered an act of war.

Since 1983, we have seen measurable improvement across this Nation in reaching the goals that we set at that time. This bill provides us with an opportunity to reevaluate where we are. It is the year 2000 and we have not achieved many of our most important and pressing educational goals.

Still, we have learned a great deal since that time about the area of huge need in this Nation involving preschool children—the 0 to 3, or 0 to 5 age group, depending on what you want to talk about. These are problems that are created when the parents do not take a leadership role in educating the children. Often times, sadly, it is because they don't have a strong educational background themselves. Some are illiterate and do not have the tools to help their children as they grow up to enter school ready to learn.

The amendment that will be offered by Senator STEVENS and myself, and others will, on a voluntary basis—I want to emphasize over and over again that it is a voluntary basis—to provide information for parents, information for child care providers, and information to schools to ensure that as a child grows, they all have the basic educational opportunities to learn to read and achieve academically. The successful passage of this amendment will make sure that we take care of those children who currently do not have that kind of assistance and educational support in a variety of ways. It is a critical issue that must be addressed.

Some years ago, studies were done on the impact to the growth and development of a child's brain. A comparison was done between the brain of a child who received attention, support, nurturing and good care, and one who unfortunately, like too many, had little or no real nurturing as children. The brain of the well-developed child who had all the nurturing necessary was what we would like to see—a large healthy brain. For comparison, they showed you one of an old man in his eighties or nineties which was shriveled up and shrunk. The other picture was the brain of a child that was not nurtured and did not receive the care that a normal child should receive from a parent. That child's brain was just as shriveled up as the old man's. That is what can happen to a baby, a very young person that does not receive the care, attention and nurturing at home that it should.

We will have an amendment which will assist us in understanding that, and which will make sure that throughout that period of time, in a voluntary way, the information will be available.

I ask unanimous consent that the document explaining the Early Learning Opportunities Act amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARLY LEARNING OPPORTUNITIES ACT
AMENDMENT
PURPOSE

The purpose of this amendment is to increase the availability of voluntary programs, services, and activities that support early childhood education and promote school readiness of young children (age birth to 6) by helping parents, caretakers, child care providers, and educators who desire to incorporate appropriate developmental activities into the daily lives of pre-school age children, and to facilitate broader involvement of the community to develop a cohesive network of early learning opportunities. The Secretary of HHS is responsible for administering this initiative in collaboration with the Secretary of Education.

COORDINATION OF FEDERAL PROGRAMS

The legislation requires and provides the authority to the Secretaries of the Department of Health and Human Services and Education to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of services, activities, and programs for young children and their families.

PRESERVING PARENTAL RIGHTS AND ROLES

While the legislation focuses on providing more opportunities for parents to participate in activities designed to promote early learning, it is essential that participation be voluntary. The bill clearly states that parents are not required to participate in any programs, services or activities funded under this part and reinforces that parents are their child's first and most effective teacher.

FEDERAL FUNDING

\$3.25 billion over three years for a discretionary grant program to the states; \$750,000,000 in the first year, increasing to \$1 billion in the second year and \$1.5 billion in year 3.

GRANTS TO STATES

The federal share is 85% for the first two years of the grant, decreasing to 80% in the second and third years, and to 75% for the remainder of the initiative. There is a broad definition of how states can meet the match requirements including cash or in-kind facilities, equipment or services. The funds are allocated to the states based equally on the population of children aged 4 or under and the number of children aged 4 or under who are living in poverty. There is a small state minimum of .4% and a 1% set-aside for Indian Tribes, Native Alaskans, Hawaii Natives, and the Outlying areas. States are not permitted to use the funds to supplant existing funding for child care, Head Start, and other early learning programs.

LIMIT ON ADMINISTRATIVE COSTS

Administrative costs are limited for both the Department of Health and Human Services (3%) and the States (2% for state-level coordination of services, 2% for administrative costs, and 3% for training/technical assistance/wage incentives).

STATE ELIGIBILITY

To receive a grant allotment, States must submit an application, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad array/variety of early learning programs, activities, and services receive funds and develop mechanisms to ensure compliance with the requirement of the initiative. States also are required to develop performance goals based on an assessment of needs and available resources and annually report the State's progress towards meeting those goals.

AWARDING GRANT TO LOCALITIES

States must award grants consistent with the performance goals set by the State. To the maximum extent possible, states will ensure that a broad variety of early learning programs which provide a continuity of services across the age spectrum will be funded. The state must fund programs that help increase parenting skills, that provide direct activities for young children, as well as improve the skills of child care providers. Local Councils receiving funds will work with local educational agencies to identify cognitive, social, and developmental abilities which are expected to be mastered prior to a child entering school. Programs, services and activities funded under this initiative will represent developmentally appropriate steps to mastery of those abilities. Preference is given to grants which include services to areas of greatest need (as defined by the state), and to grants which increase local collaboration to maximize the use of existing resources. There is no definition of entities eligible to receive grants, in order to facilitate the broadest possible participation among local community resources.

USE OF FUNDS

Local Councils receiving funds from the State grant allotment will distribute the funds to community resources to:

- (1) Help parents, care givers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotion, and motor skills and promote learning readiness in their young children;
- (2) Promote effective parenting
- (3) Enhance early childhood literacy
- (4) Develop linkages among early learning programs within a community and between early learning programs and health care services for young children
- (5) Increase access to early learning opportunities for young children with special

needs, by facilitating coordination with other programs serving this population

(6) Increase access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of children served, or improving the affordability of the programs for low-income children; and

(7) Improve the quality of early learning programs through professional development and training activities, increase compensation, and recruitment and retention incentives, for early learning providers.

(8) Remove ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

ACCOUNTABILITY

The State is primarily responsible for monitoring the use of funds by state grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

AVAILABILITY OF FUNDS

The State has 3 years to expand the funds received under the State's allotment. Any unexpended funds will be used by HHS to fund research-based early learning demonstration projects.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote in relation to the Gregg amendment occur at 2:15 p.m. on Tuesday, May 9.

In addition, it would be my hope that by late morning tomorrow the Senate would be in a position to conduct a second vote to be scheduled following the 2:15 vote which will be relative to the Lieberman amendment. However, while that consent is being worked out, I ask unanimous consent that the next two first-degree amendments in order to S. 2 be the following, limited to relevant second degrees following a vote in relationship to the amendment.

The amendments are the Stevens-Jeffords amendment on early childhood investment, and the Kentucky amendment on teacher quality.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I have just been discussing the amendment which we just got unanimous consent to consider.

I would like to briefly discuss another amendment that I am hopeful that I will have an opportunity to offer this week. It addresses another significant educational problem we face in this nation.

As I said, on the goals panel we studied what is happening with our young people. It is telling when one considers those young people who end up incarcerated.

Eighty percent of the individuals incarcerated in jail in this country are school dropouts.

Consider those students that don't drop out. Far too many of our students who stay in high school are not receiving the kind of education they need to prepare them to enter the workforce.

Therefore, I will have an amendment that tackles these critically important

problems. We must do what we can to make sure that young people stay in school and we must do what we can to ensure that students receive a relevant education in high school. Students graduating from high school must be literate. At the same time, we have got to strive for improvement in our high schools so that our nation's young people will have the skills they need to graduate and get a job.

Since 80 percent of people incarcerated in our institutions are school dropouts, it is essential we pay more attention to those young people as well. Those institutions must have the capacity to provide those completing their sentences with literacy skills and are job skills so that they can enter the workforce and not return to crime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I once again come before the Senate to discuss an often-overlooked population in our schools, talented and gifted students. It's time that we recognized the nearly three million students who are talented and gifted and provide them with the assistance they need.

For the past three years, I've been working to change the way people think about talented and gifted students. In order to do this, several destructive myths must be dispelled.

Currently, many schools operate under the false assumption that these students are just "extra-smart" and can fend for themselves with a little help. One such example of this faulty thinking is giving a talented and gifted third grader a fifth grade math textbook.

Students who display gifted qualities look at the world and think in a very different way from other pupils. Instead of thinking in a sequential or linear fashion like most students, they jump from one concept or idea to another. Specialized teaching and activities, designed for their thought process, will help these students excel.

In addition, these students often have problems fitting in socially because they are 'different' and suffer emotionally from peer rejection and stigmatization. Tragically, as a result, some talented and gifted students experience depression, eating disorders and high levels of anxiety. Some are also vulnerable to violence and antisocial behavior.

Another myth is that gifted and talented programs only help middle and upper-class white students. Talented and gifted students cover the entire spectrum in terms of race, background, geographical region, and economic status. In other words, gifted students can be found in every classroom.

Along with getting rid of false notions and stereotypes about gifted and talented students, we need to direct resources to these kids to ensure that they will have an educational program that fits their needs.

I would like to thank Senator JEFFORDS for his leadership and for includ-

ing provisions to help talented and gifted students in the Educational Opportunities Act, S. 2. The provisions found in S. 2 are based on a bill I introduced as the Gifted and Talented Education Act, S. 505.

These provisions establish a program through which states can apply for grants in order to fashion their own talented and gifted programs. States can use the money for a number of activities such as teacher training, equipment, materials, and technology. Under this program, states have a great deal of leeway in determining how best to meet the needs of their students. It also ensures that 88 percent of these funds will go toward enhancing student learning, not administrative costs.

These talented and gifted student provisions fill a gap in current education policy. There is no federal directive to serve this student population. The only federal program dealing directly with talented and gifted education is the Jacob Javits Program. However, that program is directed toward research, not the students themselves.

Furthermore, there is a great deal of disparity between the programs available to meet the needs and quality teacher preparedness of talented and gifted students. While most states do have some kind of talented and gifted program, the programs are not uniform across school districts and grade levels.

I think all of us, regardless of party affiliation, agree that all students should get the education they need. While all students have the potential to make great contributions to society, the reality, Mr. President, is that talented and gifted students have the greatest potential to be either the leaders of tomorrow or a burden to society. These students will either put their talents to good use or they will direct their energy and gifts toward destructive, wasteful activities. It's important that we help to direct these students in a positive way.

As a fiscal conservative, I have always fought for the wise and efficient use of the public's money. Investing in our future leaders, artists, scientists, and law enforcement officials, among others, is the most sound investment we can make. Again, I applaud Senator JEFFORDS for including this important provision in the bill and I urge you to join us in making a commitment to our nation's talented and gifted students.

Mr. JEFFORDS. Will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. JEFFORDS. I thank the Senator for those pertinent and eloquent remarks.

I deeply appreciate the effort the Senator has gone to, making sure the talented and gifted program is improved to meet the goals for which it was intended. We have a tremendous opportunity now with modern technology to be able to link people up and broaden the availability of gifted and

talented programs through the State and the country.

If we fail to do that, we will not be maximizing the opportunities we have to give these young people who are the best hope—in many cases, for leadership in the future—to be able to reach the goals they choose.

I thank the Senator for the excellent words and what he has given to this bill.

Mr. GRASSLEY. The Senator has expressed a perception that is very important. It is because of that perception that the Senator was able to include this in the bill.

Mr. LUGAR. Mr. President, I have an amendment to the Elementary and Secondary Education Act Reauthorization bill. My amendment would increase the authorization for the Comprehensive School Reform Program from \$200 million to \$500 million. I believe that there are few areas of this bill that can have a more positive impact on education in American than the Comprehensive School Reform Program.

Educators in this country are trying hard to improve the success of their schools. Teachers, administrators, and parents routinely organize and staff tutorial programs, remedial classes, after-school programs, and innumerable other initiatives designed to bolster school performance. But in most cases, achieving breakthrough results requires research-based reform that embraces innovation and instills discipline in both the children and the methods of the schools.

School-wide reform programs effectively implemented through the hard work of administrators, teachers, and parents have transformed many struggling schools. Unfortunately, some schools—especially poorer Title I schools—lack the means to pay for these programs. The Comprehensive School Reform Program, CSRP, was established three years ago to help public elementary or secondary schools pay for the initial costs of implementing comprehensive strategies for educational reform. Under CSRP, grants to individual schools are to be at least \$50,000 per year (renewable up to three years), in addition to all other federal aid for which they may be eligible.

Schools that adopt comprehensive reform plans generally have searched the education landscape for effective methods. They have studied intensively the reform programs that have been developed by educators around the country. And they have chosen the program that they believe will produce the best results in their school.

Most schools that adopt a comprehensive reform plan do so based on two premises: first, that significantly improving the performance of their school demands a complete reorientation of its resources, methods, and culture; and second, that the reform plan should be based on a body of sound research and should have a proven record of success.

Many reform plans focus on reading, because it is the critical foundation for success in other subjects and in later grades. In most cases, the problems of a student who fails begin early. So must the solutions. We should start by ensuring that all students are able to read by the end of the third grade. Educators widely proclaim that this is a crucial goal. If students have not achieved this standard, they have a very hard time catching up in later grades. The inability to read well handicaps the rest of their studies, and their employment prospects later in life are greatly diminished. In Indiana, as many as a third of all students fall behind by the end of the third grade. Indiana's performance is not unusual—the entire country is failing to meet the challenge of educating all our children.

Mr. President, my first elective office was as a member of the Indianapolis Board of School Commissioners in the mid-1960s. At that time, our school board struggled with basic questions of improvements in educational standards, desegregation of schools, and getting children proper nutrition and immunizations. Since that time, as a mayor and as a Senator, I have followed closely the development of education in America. In some areas we have done well. In other areas, our progress has been disappointing.

But during that time, few developments have encouraged me as much as the advances in comprehensive school reform. There are many reform programs achieving positive results. But to illustrate the concept, I would like to describe one in particular. This is "Success for All," which was developed by Dr. Robert Slavin at Johns Hopkins University in Baltimore. Success for All is a great idea that has proven its value in many schools across the country, including 13 in Indiana.

Reading is serious business at a Success for All school. For 90 minutes each day, students are grouped by their reading ability rather than their grade level. This allows students who excel at reading to progress at their own rate, while ensuring that students who fall behind will receive intensive attention to stimulate their progress. To set the tone and importance of the reading period, students proceed silently and purposefully through the hall to their reading group classroom.

Once the period begins, there is a rapid-fire of sequential lessons. Each segment is short enough to maintain the interest and attention of even the most distracted student. The lessons are fun but rigorously structured. Teachers read a story. Then students are involved in reading the words to the story in unison, discussing the story with a partner, then answering questions to test comprehension. At the completion of a successful lesson segment, students choose one of many group cheers. This positive reinforcement both encourages children, and fosters group cooperation.

During the reading period, every staff person in the school is involved in reading. The art teacher or gym teacher may be tutors, for example. Parents also agree to have their children read to them for 20 minutes each night. If this doesn't happen, adults are available to work with the students during the morning school breakfast period.

Because Success for All depends on the commitment of the entire faculty and because it requires such a fundamental change in the way a school operates, Dr. Slavin requires that at least 80 percent of the faculty must approve Success for All by secret ballot.

The discipline and accountability of the program greatly reduce the possibility that students will fail. If a student falls behind, tutoring sessions are set up to get the student caught up. By teaching children to read in the early grades, our schools can avoid holding students back, promoting them with insufficient ability or transferring them out of the normal curriculum to special education courses. Referrals to special education in Success for All schools have been shown to decrease by approximately 50 percent. In schools where Success for All is taught, students learn to read by the third grade. By the fifth grade, students in these schools are testing a full grade level ahead of students in other schools.

I would strongly encourage each of my colleagues to visit a Success for All school, if they have not already done so. I have had the pleasure of visiting Maplewood Elementary School in Wayne Township, Marion County, Washington Elementary in Gary, and Fairfield Elementary in Fort Wayne, which has had Success for All since 1995. In my judgment, anyone who sees Success for All in action will become a believer. I have contacted every school district in my state to suggest that they take a look at Success for All or another comprehensive school reform program based on rigorous research.

Mr. President, the amendment I am offering today would allow more struggling schools to adopt comprehensive school reform programs. These programs are a comparative bargain for our schools and our children when one considers their success at preventing the enormous costs of retention, special education and illiteracy. But many schools need help paying for the start-up costs and the reading materials associated with comprehensive reform programs.

Most of the more than 1,500 schools nationwide that use Success for All fund it with the Federal Title I program. Others have tapped private sources. But increasing funding for the Comprehensive School Reform Program is the most direct way to give more local schools the chance to embrace school-wide reform and transform the lives of their students. The program deserves more support because its positive impact on literacy and the ultimate success of students is so demonstrable.

Each child must learn to read. The quality of life for that child depends upon that single achievement, as does the economic future of our country. I ask my colleagues to support this amendment.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSITY OF NORTHERN IOWA'S TONY DAVIS

Mr. GRASSLEY. Mr. President, I am here to discuss the achievements of an outstanding student athlete at an outstanding institution.

Tony Davis, a secondary education major at the University of Northern Iowa—my alma mater—was recently named the NCAA Champion for wrestling in the 149-pound division.

Tony was born and raised in Chicago.

Before coming to UNI, he wrestled at Mount Carmel High School in Chicago and Iowa Central Community College, where he received two national junior college championships.

Tony chose to come to UNI for two reasons: to wrestle at a Division I school and to study to be a teacher and coach.

Before the 1999–2000 season, Tony was ranked first in the nation in his weight division. And, he maintained that ranking and came to the NCAA finals with a 26–1 record.

Tony's life philosophy is this: focus and dedication lead to success at all levels.

Looking at the road Tony has traveled to reach this point, it is evident focus and dedication played a large role in his success.

And, to quote Tony:

God played a big role in . . . getting on the right track of life. I have a lot of people to thank along the way. It was a long way to come. The most important thing is I got here.

This past week was finals week at UNI. And, I want to commend Tony Davis for his commitment and dedication—not only to sports but also to academics.

Next year, Tony Davis will return to UNI—again for two reasons. Tony will be finishing up his academic degree while also serving as an assistant wrestling coach.

UNI has a long tradition of excellence in training teachers.

This legacy of excellence in education will be continued as Tony has an opportunity to train wrestlers to succeed—both on and off the mat.

And so, I salute Tony Davis, his teammates, Coach Mark Manning, and the University of Northern Iowa for supporting each student on and off the mat.

Go Panthers!